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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 28th November 1969

S.O. 153.—Whereas the Election Commission is satisfied that Shri Satishchandra Mishra, R/O village Awaglla, P.O. Pimpun, District Patna (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from Hilsa Assembly Constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Satishchandra Mishra, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/201/69(63).]

By Order,
A. N. SEN, Secy.

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 28 नवम्बर, 1969

क्र० आ० 153.—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए हिलसा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सतीश चन्द्र मिश्र, निवासी ग्राम—अवगोला, पो०—पुनपुन, जिला पटना (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्याय चित्त नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री सतीश चन्द्र मिश्र को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०-बिहार-वि०स०/201/69(63)]

आदेश से,

ए० एन० सेन, सचिव।

ORDERS

New Delhi, the 22nd December 1969

S.O. 154.—Whereas the Election Commission is satisfied that Shri Jita Ram, Village and Post Office Ram Nagar Khazan Singh, Harijan Colony, Tehsil Muktsar, District Ferozepur (Punjab), a contesting candidate for the mid-term general election held in February, 1969 to the Punjab Legislative Assembly from 3-Malout constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jita Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/3/69(13).]

आदेश

नई दिल्ली, 22 दिसम्बर 1969

क्र०आ० 154.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी 1969 को हुए पंजाब विधान सभा के लिए मध्यावधि निर्वाचन के लिए 3-मालौट निर्वाचन-क्षेत्र से चुनाव लड़ने

वाले उम्मीदवार श्री जीता राम, ग्राम व डाकघर रामनगर खजान सिंह हरिजन कालोनी तहसील मुक्तसर, जिला फिरोजपुर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे; दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जीता राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-वि० सं०/3/69(13)]

New Delhi, the 27th December 1969

S.O. 155.—Whereas the Election Commission is satisfied that Shri Shankar Singh, Mohalla Tikhawal, Mukerian, District Hoshiarpur, a contesting candidate for the mid-term general election held in February, 1969 to the Punjab Legislative Assembly from Mukerian constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shankar Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/46/69(14).]

नई दिल्ली, 27 दिसम्बर 1969

क्र० आ० 155.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1969 में हुए पंजाब विधान सभा के लिए मध्यावधि निर्वाचन के लिए मुकेरिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शंकर सिंह मोहल्ला टिखोवाल, मुकेरिया, जिला होशियारपुर लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार उसे सम्यक् सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शंकर सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-वि० सं०/46/69(14)]

S.O. 156.—Whereas the Election Commission is satisfied that Shri Mela Ram, Village Tikhawal, Tehsil Dasuya, Post Office Mukerian, District Hoshiarpur, a contesting candidate for the mid-term general election held in February, 1969 to the Punjab Legislative Assembly from Mukerian constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mela Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/46/69(15).]

By Order,

HARDIP SINGH, Under Secy. for Secy

का० प्रा० 156.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1969 में हुए पंजाब विधान सभा के लिए मध्यावधि निर्वाचन के लिए मुकेरियां निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मेला राम, ग्राम टिखोवल, तहसील डसुया, डाकघर मुकेरिया, जिला होशियारपुर लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मेला राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[स० पंजाब-वि०स०/46/69/(15)]

आदेश से,

हरदीप सिंह, अवसर सचिव, कृते सचिव ।

MINISTRY OF HOME AFFAIRS

New Delhi, the 1st January 1970

S.O. 157.—In pursuance of clause (1) of article 239 of the Constitution, and in partial modification of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 3371, dated the 1st November, 1966, in so far as it relates to the exercise of powers and functions under the Land Acquisition Act, 1894 (1 of 1894) by the Administrator of the Union territory of Himachal Pradesh, and in supersession of the notifications of the Government of India in the Ministry of External Affairs No S.O. 3165, dated the 5th November, 1963, and in the Ministry of Home Affairs Nos. S.O. 190, dated the 8th January, 1964, S.O. 3953, dated the 21st December, 1966 and S.O. 3612, dated the 8th October, 1968, the President

hereby directs that, subject to his control and until further orders, the powers and functions of the appropriate Government under—

- (i) the Land Acquisition Act, 1894 (1 of 1894), except those of the Central Government under the provisos to sub-section (1) of section 55, and
- (ii) the Land Acquisition (Companies) Rules, 1963,

shall also be exercised and discharged by the Administrator of every Union territory (whether known as the Administrator, Chief Commissioner or the Lieutenant Governor), within the respective Union territories.

[No. F. 2/8/68-UTL.]

P. N. KAUL, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 1 जनवरी, 1970

का० आ० 157.—संविधान के अनुच्छेद 239 के खण्ड (1) के अनुसरण में, और भारत सरकार के गृह मंत्रालय की अधिसूचना संख्या का० आ० 3371, तारीख 1 नवम्बर, 1966, को वहाँ तक जहाँ तक उसका सम्बन्ध हिमाचल प्रदेश के संघ राज्य क्षेत्र के प्रशासक द्वारा भूमि अर्जन अधिनियम, 1894 (1894 का 1) के अधीन शक्तियों और कृत्यों के प्रयोग से है, आंशिक रूप से उपांतरित करते हुये और भारत सरकार के विदेश मंत्रालय की अधिसूचना संख्या का० आ० 3165 तारीख 5 नवम्बर, 1963, और गृह मंत्रालय की संख्या का० आ० 190, तारीख 8 जनवरी, 1964, का० आ० 3953 तारीख 21 दिसम्बर, 1966 और का० आ० 3612, तारीख 8 अक्तूबर, 1968 को अधिकांत करते हुये, राष्ट्रपति एतद् द्वारा निदेश देते हैं कि उनके नियंत्रण के अधीन रहते हुये और आगे आदेश होने तक समुचित सरकार को शक्तियों और कृत्यों का—

- (i) धारा 55 की उपधारा (1) के परन्तुकों के अधीन केन्द्र सरकार की उन शक्तियों और कृत्यों को छोड़कर भूमि अर्जन अधिनियम, 1894 (1894 का 1) के, और
- (ii) भूमि अर्जन (कम्पनी) नियम, 1963 के अधीन अपने अपने संघ राज्य क्षेत्रों के भीतर प्रत्येक संघ राज्य क्षेत्र के प्रशासक (चाहे वह प्रशासक, मुख्य आयुक्त या उपराज्यपाल के रूप में जाना जाता हो), द्वारा भी प्रयोग और निर्वहन किया जाएगा ।

[सं० फा० 2/8/68-यू०टी०एल०]

पी० एन० कौल, उ०-सचिव ।

New Delhi, the 6th January, 1970

S. O. 158.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the President hereby makes the following rules further to amend the Manipur Employees (Revision of pay) Rules, 1966.

2. These rules may be called the Manipur Employees (Revision of pay) Rules, 1970.

- (i) Under the heading 'Agriculture Department' for the existing entries against items 3 and 4, the following entries shall be inserted in columns 1, 2, 3, 4 and 5 respectively.

3. Assistant Agricultural Officer	Rs. 150-10-200 EB-10-300	Rs. 250-20-350 EB-20-450-EB-25-700	Holder\$ of degree in agricul- ture will be entitled to one advance increment and post Graduate degree holders in Agriculture
Agricultural Inspector Instructor			

			directly recruited to this service may be given three advance increments.
			The revised scales will be applicable to graduates as well as non-graduates.
"4. Farm Manager	(i) Rs.150-74-180-9-270-EB-30-300 (ii) 100-5-150-EB-10-250	Rs.250-20-350-EB-20-450-EB-25-700	Holders of degree in agriculture will be entitled to one advance increment and post graduate degree holders in Agriculture directly recruited to this service may be given three advance increments.
			The revised scale will be applicable to graduates as well as non-graduates.

(ii) Under the heading "Community Development" for the existing entries against item Nos. 20, 21, 22 and 23 the following entries shall be inserted under columns 1, 2, 3, 4, and 5 respectively.

20. Extension Officer (Agriculture)	Rs.150-150-Con-200-10-250	Rs.250-20-350-EB-20-450-EB-25-700	The revised scale will be applicable to graduates as well as non-graduates.
21. Extension Officer (Industry)	—do—	Rs.250-20-350-EB-20-450-EB-25-700	
22. Extension Officer (Cooperation)	Rs.150-150-Con-210-10-250	Rs.250-20-350-EB-20-450-EB-25-700	
23. Extension Officer (Panchayats)	—do—	Rs.250-20-350-EB-20-450-EB-25-700.	

[No. 1/16/65-HMT]

B. C. PARIJA, Dy. Secy.

“प्रेस परामर्शदात्री समिति नियम, 1969 का निम्नलिखित हिन्दी अनुवाद राष्ट्रपति के प्राधिकार के अधीन एतद्वारा प्रकाशित किया जाता है और राज-भाषा अधिनियम, 1963 (1963 का 19) की धारा 5 की उप-धारा (1) के खंड (ख) के अधीन हिन्दी में इस अनुवाद को उनका प्राधिकृत पाठ माना जाएगा।”

नई दिल्ली, 17 अक्टूबर, 1969

क्रा० अा० 4232-दंड तथा निर्वाचन विधि संशोधन अधिनियम, 1969 (1969 का 35) की धारा 8 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित नियम बनाती है, अर्थात्—

1. संक्षिप्त नाम तथा प्रारम्भ:—(1) ये नियम प्रेस परामर्शदात्री समिति नियम, 1969 कहे जा सकेंगे

(2) ये शासकीय राजपत्र में अपने प्रकाशन की तारीख को प्रवृत्त हो जाएंगे।

2. परिभाषाएं—इन नियमों में जब तक संदर्भ द्वारा अन्यथा अपेक्षित न हों,

(क) “अधिनियम” से दंड तथा निर्वाचन विधि संशोधन अधिनियम, 1969 (1969 का 35) अभिप्रेत है;

(ख) “प्रशासक” से किसी संघ राज्य-क्षेत्र का प्रशासक अभिप्रेत है ।

(ग) “समुचित सरकार” से अभिप्रेत है—

(i) केन्द्रीय प्रेस परामर्शदात्री समिति के संबंध में, केन्द्रीय सरकार,

(ii) राज्य प्रेस परामर्शदात्री समिति के सम्बन्ध में राज्य सरकार,

(iii) किसी संघ राज्य-क्षेत्र की प्रेस परामर्शदात्री समिति के संबंध में संघ राज्य-क्षेत्र का प्रशासक,

(घ) “समिति” से अभिप्रेत है—

(i) केन्द्रीय सरकार के सम्बन्ध में प्रेस परामर्शदात्री समिति,

(ii) राज्य सरकार के सम्बन्ध में, राज्य प्रेस परामर्शदात्री समिति,

(iii) किसी संघ राज्य-क्षेत्र के सम्बन्ध में, संघ राज्य-क्षेत्र की प्रेस परामर्शदात्री समिति;

(ङ) “भाग” से अधिनियम की धारा अभिप्रेत है ।

3. प्रेस परामर्शदात्री समितियों की संरचना तथा गठन :—(1) धारा 6 के प्रयोजनों के लिए—

(क) केन्द्रीय सरकार द्वारा एक केन्द्रीय प्रेस परामर्शदात्री समिति का गठन किया जाएगा,

(ख) राज्य सरकार द्वारा एक राज्य प्रेस परामर्शदात्री समिति का गठन किया जाएगा,

(ग) प्रशासक द्वारा उस संघ राज्य क्षेत्र के लिए प्रेस परामर्शदात्री समिति का गठन किया जायगा ।

(2) केन्द्रीय प्रेस परामर्शदात्री समिति में कम से कम दस और अधिक से अधिक पन्द्रह सदस्य होंगे जो केन्द्रीय सरकार द्वारा सम्पादकों, अन्य श्रमजीवी पत्रकारों तथा उन व्यक्तियों में से चुने जाएंगे जो समाचार पत्रों के स्वामी हैं या उनके प्रबन्ध का कारबार चलाते हैं ।

(3) राज्य प्रेस परामर्शदात्री समिति में कम से कम सात सदस्य और अधिक से अधिक दस सदस्य होंगे जो राज्य सरकार द्वारा सम्पादकों, अन्य श्रमजीवी पत्रकारों तथा उन व्यक्तियों में से चुने जाएंगे जो समाचार पत्रों का स्वामित्व रखते हैं या उनके प्रबन्ध का कारबार चलाते हैं ।

(4) संघ राज्य क्षेत्र की प्रेस परामर्शदात्री समिति में कम से कम सात सदस्य और अधिक से अधिक दस सदस्य होंगे जो प्रशासक द्वारा सम्पादकों, अन्य श्रमजीवी पत्रकारों तथा उन व्यक्तियों में से चुने जाएंगे जो समाचार पत्रों का स्वामित्व रखते हैं या उनके प्रबन्ध का कारबार चलाते हैं ।

4. अध्यक्ष तथा उपाध्यक्ष की नियुक्ति तथा उनके कृत्य :—(1) समुचित सरकार समिति के सदस्यों में से समिति का एक अध्यक्ष तथा एक उपाध्यक्ष नियुक्त करेगी ।

(2) (क) समिति के किसी भी अधिवेशन का सभापतित्व अध्यक्ष और उसकी अनुपस्थिति में उपाध्यक्ष करेगा ।

(ख) जहां किसी अधिवेशन में उपाध्यक्ष भी अनुपस्थित हो, वहां उपस्थित जनकअपस्लगन में से किसी व्यक्ति को उस अधिवेशन का सभापतित्व करने के लिये चुनेंगे ।

5. प्रेस प्रसारितवाची समिति के सदस्यों की पदावधि :—समिति के सदस्यों की पदावधि समिति की संरचना की तारीख से तीन वर्ष होगी ।

6. आक्रान्तिक रिक्तियाँ—(1) समुचित सरकार, किसी सदस्य की मृत्यु, उसके त्यागपत्र ग्राह्यताये जाने के परिणामस्वरूप होने वाली किसी रिक्ति को भरने के लिये, सम्पादकों, अन्य प्रमत्तीवी पत्रकारों और उन व्यक्तियों में से जो समाचारपत्रों के स्वामी हैं या उनके प्रबन्ध का कारबार चलाते हैं, किसी व्यक्ति को, जिसका सुझाव समिति के अध्यक्ष द्वारा दिया जाये, नियुक्त कर सकेगी ।

(2) इस प्रकार नियुक्त सदस्य उस शेष कालावधि के लिये पदधारण करेगा जिस कालावधि के लिये उस सदस्य ने पद धारण किया होता जिसके स्थान पर वह नियुक्त हुआ है ।

7. त्यागपत्र :—(1) अध्यक्ष स भिन्न कोई भी सदस्य अध्यक्ष को सम्बोधित पत्र द्वारा अपनी सदस्यता से त्यागपत्र दे सकेगा ।

(2) अध्यक्ष, उपाध्यक्ष को सम्बोधित पत्र द्वारा त्यागपत्र दे सकेगा ।

(3) कोई भी त्यागपत्र, स्वीकृति की तारीख से अथवा त्यागपत्र की तारीख से तीस दिन की समाप्ति पर इन में से जो भी तारीख पूर्ववर्ती हो, प्रभावी होगा ।

8. समिति से हटाया जाना :—समुचित सरकार समिति के किसी भी सदस्य को उस के पद से निम्नलिखित दशाओं में हटा सकती है :—

(क) यदि वह शारीरिक अथवा मानसिक रूप से सदस्य के रूप में कृत्य करने में असमर्थ हो गया हो ;

(ख) यदि वह भारतीय दंड संहिता 1860 (1860 का 45) की धारा 153 क, 295 क या 505 के अधीन किसी अपराध के लिये अथवा नैतिक पतन अन्तर्वर्लित करने वाले किसी अपराध के लिये दंडित किया गया हो ;

(ग) यदि वह किसी ऐसे कार्य का बोधी पाया गया हो जिसके सम्बन्ध में उसके विरुद्ध अधिनियम की धारा 6 अथवा प्रेस परिषद् अधिनियम, 1965 (1965 का 34) की धारा 13 के अधीन कार्यवाही की गई हो ।

9. अधिवेशनों के लिये गणपूर्ति :—समिति के प्रत्येक अधिवेशन में गणपूर्ति समिति के एक तिहाई सदस्यों की होगी :

परन्तु किसी ऐसे अधिवेशन में जिसमें समिति के एक तिहाई से कम सदस्य उपस्थित हों, अध्यक्ष उसे अधिवेशन को अन्यून पांच दिन पश्चात्पूर्ती तारीख के लिये स्थगित कर सकेगा तथा उपस्थित सदस्यों को यह सूचित और अन्य सदस्यों को यह अधिसूचित कर सकेगा कि वह स्थगित अधिवेशन में गणपूर्ति का ध्यान रखे बिना कारबार को निपटा देने की प्रस्थापना करता है और तदुपरि ऐसे स्थगित अधिवेशन में हाजिर सदस्यों की संख्या को ध्यान में रखे बिना कारबार को निपटाना विधिपूर्ण होगा ।

10. अध्यावेदन पर विचार करने के लिये अधिवेशन का बुलाया जाना :—(1) धारा 6 की उपधारा (1) के अधीन किये गये किसी आदेश के विरुद्ध कोई अध्यावेदन समुचित सरकार द्वारा समिति को तुरन्त भेज दिया जायेगा ।

(2) उपर्युक्त अधिवेशन के प्राप्ति होने पर अध्यक्ष अथवा उसकी अनुपस्थिति में उपाध्यक्ष समिति का अधिवेशन ऐसे समय तथा स्थान पर शीघ्र ही बुलायेगा जो वह अधिवेशन पर विचार के लिये ठीक समझे ।

(3) समिति की सिफारिश समुचित सरकार को संसूचित कर दी जायेगी ।

11. **समितियों का कर्मचारीयुक्त और उसको सचिवालय सहायता** :—समुचित सरकार समिति को आवश्यक कर्मचारी बन्द और सचिवालय सहायता अथवा अन्य ऐसी सहायता देगी जो उसे अपने कर्तव्यों का पालन करने के लिये समर्थ बनाने के लिए आवश्यक समझी जाये ।

12. **केन्द्रीय प्रेस परामर्शदात्री समिति के सदस्यों का यात्रा भत्ता, दैनिक भत्ता अथवा सवारी भत्ता** :—(1) केन्द्रीय प्रेस परामर्शदात्री समिति का सदस्य उक्त समिति के किसी अधिवेशन में हाजिर होने के प्रयोजन के लिए अथवा उक्त समिति द्वारा उसे समनुदिष्ट किसी कर्तव्य के निर्वहन के प्रयोजन के लिए उसके द्वारा की गई किसी यात्रा के सम्बन्ध में, केन्द्रीय सरकार के बर्ग 1 अधिकारियों को अनुज्ञेय उच्चतम दरों पर यात्रा भत्ता और दैनिक भत्ता प्राप्त करने का हकदार होगा ।

(2) यात्रा भत्ता उपर्युक्त समिति के सदस्य के निवास के प्राधिक स्थान से अधिवेशन के स्थान अथवा उस स्थान तक, जहां वह उक्त समिति के किसी कारबार करने के लिये गया हो और वहां से उसके निवास स्थान तक वापसी के लिए संदेय होगा :

परन्तु जब यात्रा उसके प्राधिक निवास-स्थान से भिन्न किसी स्थान से प्रारम्भ होती है या वापसी यात्रा वहां समाप्त होती है, तब यात्रा भत्ता उस राशि तक जो तब संदेय हुई होती यदि यात्रा प्राधिक निवासस्थान से प्रारम्भ या उस पर समाप्त हुई होती अथवा की गई वास्तविक यात्रा के सम्बन्ध में संदेय में राशि तक, इनमें से जो भी कम हो उस तक सीमित होगा ;

परन्तु यह और भी कि विशेष परिस्थितियों में केन्द्रीय सरकार उन कारणों से जो लेखबद्ध किए जाएंगे, उपर्युक्त समिति के किसी सदस्य की प्राधिक निवासस्थान से, भिन्न स्थानों से यात्रा भत्ता मंजूर कर सकेगी ।

(3) उक्त समिति के अधिवेशनों में हाजिर होने के लिये या उस समिति के किसी अन्य कारबार को करने के लिये कोई भी सवारी भत्ता उपर्युक्त समिति के, उन सदस्यों को संदत्त नहीं किया जाएगा जो यात्रा या दैनिक भत्ता लेते हैं :

परन्तु उक्त समिति के उस सदस्य को जो उस स्थान का निवासी है जहां उपर्युक्त समिति का अधिवेशन होता है या जहां उक्त समिति का कोई अन्य कारबार संव्यवहृत होता है, सवारी पर किया गया वास्तविक खर्च इस बात के अध्वधीन संदत्त किया जा सकेगा कि वह अधिकतम दस रुपये प्रतिदिन हो ।

13. **राज्य प्रेस परामर्शदात्री समिति अथवा संघ राज्य क्षेत्र की प्रेस परामर्शदात्री समिति के सदस्यों को यात्रा भत्ता तथा अन्य भत्ते** :—राज्य प्रेस परामर्शदात्री समिति अथवा संघ राज्य क्षेत्र की प्रेस परामर्शदात्री समिति को कोई भी सदस्य ऐसी किन्हीं यात्राओं के लिये जो अपनी अपनी समितियों की बैठक में हाजिर होने के प्रयोजन के लिये अथवा ऐसी किसी समिति द्वारा उसे समनुदिष्ट किन्हीं कर्तव्यों के निर्वहन के प्रयोजन के लिए उसके द्वारा की गई हों, सम्बन्धित राज्य सरकार के या संघ राज्य क्षेत्र के उच्चतम ग्रेड के अधिकारियों को अनुज्ञेय उच्चतम दरों पर यात्रा भत्ता और दैनिक भत्ता प्राप्त करने का हकदार होगा ।

[सं० एफ० 22/19/69-पोल-1(क)]

टी० सी० ए० श्रीनिवासवरदन, संयुक्त सचिव ।

MINISTRY OF FINANCE**(Department of Economic Affairs)****(Office of the Controller of Capital Issues)***New Delhi, the 8th January 1970*

S.O. 159.—In exercise of the powers conferred by sub-section (i), Section 6 of the Capital Issues (Control) Act, (29 of 1947), the Central Government hereby exempt the Industrial Credit and Investment Corporation of India Limited from the provisions of Sections 3 and 5 of the said Act, in respect of issue of Promissory Notes of the value of not exceeding DM 5,000,000 (Five Million Deutsche Marks) to be made by the said Corporation to Kreditanstalt Fur Wiederaufbau of the Federal Republic of Germany, in terms of the loan Agreement to be entered into between the said two parties.

[No. R.10-CCI/69-39.]

P. D. KASBEKAR,
Controller of Capital Issues.

(Department of Revenue and Insurance)**INCOME-TAX***New Delhi, the 8th January 1970*

S.O. 160.—In exercise of the powers conferred by sub-section (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri H. S. Ambe, who is a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. The appointment of Shri V. M. Mehta made in Notification No. 1, dated 2nd January, 1969 (F. No. 16/267/68-ITB) is cancelled with effect from 12th January, 1970.

3. This Notification shall come into force on the 12th January, 1970.

[No. 2 (F. No. 404/1/70-ITCC).]**R. D. SAXENA, Dy. Secy.****वित्त मंत्रालय****(राजस्व और बीमा विभाग)***नई दिल्ली, 28 नवम्बर 1969*

क्रा० आ० 4807.—बीमा अधिनियम, 1938 (1938 का 4) की धारा 27 क की उपधारा (1) के खण्ड (थ) जैसा कि वह भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) की अधिसूचना सं० सा० क्र० नि० 734, तारीख 23 अगस्त, 1958 द्वारा भारत के जीवन बीमा निगम को लागू है, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इंडस्ट्रियल क्रेडिट-एण्ड इन्वेस्टमेंट कारपोरेशन आफ इंडिया लिमिटेड द्वारा 1969 में पुरोधृत अनधिक पांच करोड़ रुपये के मूल्य के डिबेंचरों को उपर्युक्त धारा के प्रयोजनों के लिए अनुमोदित विनिधानों के रूप में एतद्द्वारा घोषित करती है।

[स० फा० 51 (40)—आई० एन० एस० 1169-I]

क्रा० आ० 4808.—बीमा अधिनियम, 1938 (1938 का 4) की धारा 27 ख की उपधारा (1) के खड (भ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इंडस्ट्रियल क्रेडिट एण्ड इन्वेस्टमेंट कारपोरेशन आफ इंडिया द्वारा 1969 में पुरोधृत अधिक पांच करोड़ रुपये मूल्य के डिबेंचरों को, उपर्युक्त धारा के प्रयोजनों के लिए अनुमोदित विनिधानों के रूप में एतत् द्वारा घोषित करती है।

[स० फा० 51 (40) आई० एन० एस० 1/69-II]

आर० के० महाजन उप-सचिव

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 22nd July 1969

S.O. 161.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes, hereby makes the following amendments in the Schedule appended to its Notification No. 58-Income-tax, dated the 27th May, 1969, namely:—

In the said schedule against B-Range, Madras under Column 2, the following shall be substituted, namely:—

B-Range, Madras

1. Special Investigation Circle 'A', Madras.
2. Special Investigation Circle 'B', Madras.
3. Central Circles I to XVII, Madras.
4. Special Investigation Circle I, Madras.
5. Cuddalore Circle (all Sections).
6. Pondicherry Circle (all Sections).

This notification shall come into force on the 1st August, 1969.

Explanatory Note.

The amendment has become necessary on account of creation of a new Income-tax Circle to be known as 'Special Investigation Circle-I' with headquarters at Madras.

(The above note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 103/F. No. 50/32/69-ITJ.]

केन्द्रीय प्रत्यक्ष कर बोर्ड

आयकर

नई दिल्ली 22 जुलाई 1969

क्र० आ० 161.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त अपने को समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा अपनी अधिसूचना सं० 58-आय-कर तारीख 27 मई, 1969 से संलग्न अनुसूची में निम्नलिखित संशोधन करता है अर्थात् :—

उक्त अनुसूची में ख—रेंज मद्रास के सामने स्तम्भ 2 के नीचे 'निम्नलिखित प्रतिस्थापित किया जायेगा अर्थात् :—

- ख—रेंज मद्रास 1. विशेष अन्वेषण सर्किल 'क' मद्रास ।
2. विशेष अन्वेषण सर्किल 'ख' मद्रास ।
3. केन्द्रीय सर्किल I से XVII, मद्रास ।
4. विशेष अन्वेषण सर्किल I, मद्रास, ।
5. कुदलूर सर्किल (सभी अनुभाग) ।
6. पांडिचेरी सर्किल (सभी अनुभाग) ।

यह अधिसूचना 1 अगस्त, 1969 को प्रवृत्त हो जायेगी ।

स्पष्टीकरण टिप्पण :—

एक नये आयकर सर्किल, जिसे विशेष अन्वेषण सर्किल-1 से जाना जाएगा, जिसका मुख्यालय मद्रास होगा, के सृजन के कारण संशोधन आवश्यक हो गया है।

(उपर्युक्त टिप्पण अधिसूचना का भाग नहीं है किन्तु केवल स्पष्टीकरण के लिए आशयित है)

[रं० 103 (फं० रं० 50/32/69-आई टी जे)]

New Delhi, the 25th July 1969

S.O. 162.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf the Central Board of Direct Taxes, hereby makes the following amendment in the schedule appended to its Notification No. 65 (F. No. 50/37/69-ITJ), dated the 7th June, 1969 namely:—

In the schedule against Cuttack Range, Cuttack and Bhubaneswar Range, Bhubaneswar under Column 2, the following shall be added:—

- IV. *Cuttack Range*
Dhenkanal Circle, Dhenkanal.
- VI. *Bhubaneswar Range*
Jharsuguda Circle, Jharsuguda.

This notification shall take effect from 25th July, 1969.

Explanatory Note:

The amendment has become necessary on account of creation of two new circles in Orissa charge.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[104 (F. No. 50/37/69-ITJ.)]

G. S. BHARGAVA, Under Secy.

नई दिल्ली, 25 जुलाई, 1969

क्र० आ० 162.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों और इस निमित्त अपने को समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा अपनी अधिसूचना सं० 65 (फा० सं० 50/37/69-आई टी जे) तारीख 7 जून, 1969 से संलग्न अनुसूची में निम्नलिखित संशोधन करता है, अर्थात:—

अनुसूची में कटक रेंज कटक और भुवनेश्वर रेंज भुवनेश्वर के सामने, स्तम्भ 2 के नीचे निम्नलिखित जोड़ दिया जाएगा:—

IV कटक रेंज

ढेकानल सर्किल, ढेकानल

VI भुवनेश्वर रेंज

झारसुगुडा सर्किल, झारसुगुडा।

यह अधिसूचना 25 जुलाई, 1969 को प्रवृत्त हो जायेगी।

स्पष्टीकरण टिप्पणः—

यह संशोधन उड़ीसा भारसाधन में दो नये सर्किलों के सृजन के कारण आवश्यक हो गया है ।

(उपर्युक्त टिप्पण अधिसूचना का भाग नहीं है किन्तु केवल स्पष्टीकरण के लिये आशयित है)

[सं 104 (स्पा० सं० 50/37/69—आई टी जे)]

जी० एम० भार्गव, अवर सचिव ।

INCOME-TAX

New Delhi, the 26th July 1969

S.O. 163.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendments in the schedule appended to its Notification No. 97(F. No. 50/12/68-ITJ) dated the 7th October, 1968, as amended from time to time.

In the said schedule the entries in column (2) against B-Range, D-Range, E-Range, G-Range, H-Range, I-Range, K-Range, L-Range and N-Range, New Delhi shall be substituted by the following:—

Banges. 1	Income-tax Circles, Wards and Districts 2
B Range. New Delhi.	<ol style="list-style-type: none"> 1. District-I Ward A and A(I), New Delhi. 2. Distt. III Ward A, A(Addl), A(Addl. I), 0, 0(Addl), New Delhi. 3. Distt. III (19), (20), (21), (22) and (23), New Delhi. 4. Distt. VII Ward A, A(I) & B, New Delhi. 5. Distt. IX Ward A, New Delhi. 6. Refund Circle, New Delhi. 7. B-1, B-1(1), Districts, New Delhi. 8. C-1, C-1(1), C-II and C-III Districts, New Delhi.
D-Range, New Delhi.	<ol style="list-style-type: none"> 1. Distt. VIII Wards C, D, E, E(Addl), F, F(Addl), A(III), A(IV) and D(I), New Delhi. 2. A-IV and A-IV(I) District, New Delhi. 3. Income-cum-Wealth Tax Circles IV and XI, New Delhi. 4. Distt. VI Ward A(I), A(II), C(I), C(I) (Addl), New Delhi.
E-Range, New Delhi.	<ol style="list-style-type: none"> 1. Distt.-VIII, Wards A, A(Addl), B, B(Addl), B(Addl. I) B(Addl. II), B(Addl. III), A(I) and A(II), New Delhi. 2. A-I, A-I(I), A-II, A-III & Addl. A-III Districts, New Delhi. 3. Income-tax-cum-Wealth Tax Circle VIII, New Delhi. 4. Distt.-III Ward N(I), New Delhi.

1

2

**G-Range,
New Delhi.**

1. Distt-III Wards B, C, D, E, F, F(Addl), G, M and N, New Delhi.
2. District-III(I), (2), (3), (4), (5), (6), (7), (8), (9), New Delhi.
3. BII, B-II(I), B-III, B-III(I), B-IV, B-IV(I), B-V, B-V(I), B-X, BXI, B-XI, B-XI(I), Districts, New Delhi.
4. Incometax-cum-Wealthtax Circles I and V, New Delhi.

**H-Range,
New Delhi.**

1. B-XVII, B-XVII(I), B-XVII(2), B-XVII(3) and B-XVIII(4) Districts New Delhi.
2. Distt-VI A, A(Addl), B, B(Addl), C, C(Addl), D, E, New Delhi.
3. Distt-VI (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10), New Delhi.

**I-Range,
New Delhi.**

1. Distt. III Wards H, I, J, K, L, L(Addl), P, New Delhi.
2. Evacuee Circle, New Delhi.
3. Distt-VI (1), (2), (3), (4), (5), (6), (7), (8), (17), and (18), New Delhi.
4. B-V, B-V(I), B-VI, B-VI(1), B-VII, B-VII(I), Addl. B-VII, B-VIII, B-VIII(1), B(IX), Addl. B(IX) Districts, New Delhi.
5. Incometax-cum-Wealth tax Circle II and VI, New Delhi.

**E-Range,
New Delhi.**

1. Distt-V, Wards A, A(Addl), B, B(Addl), C, D, E, F and G, New Delhi.
2. Distt. V, (1), (2), (3), (4), (5), (6), (7); (8); (9), (10), (11), (12), (13), (14), (15), New Delhi.
3. B-XV, B-XV(I), B-XV(2), B-XVI, BXV(I), B-XVI(2), B-XVIII, B-XVIII(I), and Addl. B-XVIII Districts, New Delhi.
4. Incometax-cum-Wealthtax Circle III, New Delhi.

**L-Range,
New Delhi.**

1. Distt. III Wards A(I), C(I), E(I), G(I), I(I) and K(I), New Delhi.
2. Distt-IV, Wards A(I), B(I), C(I), & C(II), New Delhi.
3. Special Assessment Circles, I, II, III, IV, V, VI, VII, VIII, IX and X, New Delhi.
4. Special Survey Circle I, II, III, IV, V, VI, VII, VIII & IX, New Delhi.

**N-Range,
New Delhi.**

1. Distt-IV, Wards A, B, C & D, New Delhi.
2. Distt-IV (1), (2), (3), (4), (5) & (6).
3. Distt. V, Wards A(I), B(I), C(I), F(I), F(I) (Addl.), F(II) & F(III), New Delhi.
4. Distt-V (16), (17), (18), (19), (20), New Delhi.
5. B-XII (I), B-XII(I), B-XIII, B-XIII(I) Districts, New Delhi.
6. Incometax-cum-Wealthtax Circles IX & X, New Delhi.

Explanatory Note:

The amendments have become necessary on account of reorganisation of the jurisdiction of the I.T.Os.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 106 (F. No. 50/43/69-ITJ).]

नई दिल्ली, 26 जुलाई, 1969

का० प्रा० 163:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उप धारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा समय-समय पर यथा संशोधित अपनी अधिसूचना संख्या 97 (फा० सं० 50/42/69 आई टी जे) तारीख 7 अक्तूबर, 1968 के साथ संलग्न अनुसूची में निम्नलिखित संशोधन करता है, अर्थात्:—

उक्त अनुसूची के ख—रेज, घ—रेज, ङ—रेज, छ—रेज, ज—रेज, झ—रेज, ट—रेज, ठ—रेज, और डू—रेज नई दिल्ली के सामने स्तम्भ (2) की प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित की जाएंगी—

रेज	आयकर सफिले, बोर्ड और जिले
1	2
ख—रेज, नई दिल्ली	<ol style="list-style-type: none"> 1. जिला—i वार्ड क और क(i) नई दिल्ली। 2. जिला—iii वार्ड क, क(अतिरिक्त), क (अतिरिक्त i), ग, ग (अतिरिक्त), नई दिल्ली। 3. जिला iii (19), (20), (21), (22) और (23), नई दिल्ली। 4. जिला vii वार्ड क, क(i) और ख, नई दिल्ली। 5. जिला ix वार्ड क, नई दिल्ली। 6. प्रतिदाय सफिल, नई दिल्ली। 7. ख-1, ख-1(i), जिले, नई दिल्ली। 8. ग-1, ग-1(i), ग-ii और ग-iii जिले, नई दिल्ली।
घ—रेज, नई दिल्ली	<ol style="list-style-type: none"> 1. जिला—viii वार्ड ग, घ, ङ, ङ(अतिरिक्त), च, अतिरिक्त, क(iii), क(iv) और घ(i), नई दिल्ली। 2. क-iv और क-iv(i) जिले, नई दिल्ली। 3. आय एवं धन कर सफिल iv और ले Xi, नई दिल्ली। 4. जिला vi वार्ड क(i), क(ii), ग(i), ग(i) अतिरिक्त, नई दिल्ली।
ङ—रेज, नई दिल्ली	<ol style="list-style-type: none"> 1. जिला viii, वार्ड क, क(अतिरिक्त), ख, ख(अतिरिक्त) ख (अतिरिक्त i) ख (अतिरिक्त ii), ख (अतिरिक्त iii), क(i) और क(ii), नई दिल्ली। 2. क-i, क-i (i), क-ii, क-iii और अतिरिक्त क-iii जिले, नई दिल्ली। 3. आयकर एवं धनकर सफिले vii, नई दिल्ली। 4. जिला—iii वार्ड (i), नई दिल्ली।

छ—रेंज, नई दिल्ली

1. जिला iii बाई ख, ग, घ, ङ, च, च (अतिरिक्त), छ, ङ और ङ, नई दिल्ली ।
2. जिला—iii (1), (2), (3), (4), (5), (6), (7), (8), (9), नई दिल्ली ।
3. ख—ii, ख—ii(i), ख—iii, ख—iii(i), ख—iv, ख—iv(i), ख—v, ख—v(i), ख—X, ख—Xi, ख—Xi(i) जिले नई दिल्ली ।
4. आयकर एवं धन कर सर्किलें i और v, नई दिल्ली ।

ज—रेंज, नई दिल्ली

1. ख—Xvii, ख—Xvii (1), ख Xvii (2) ख—Xvii (3) और ख—Xvii (4) जिले नई दिल्ली ।
2. जिला Vi क, क (अतिरिक्त), ख, ख (अतिरिक्त), ग, ग (अतिरिक्त), घ, ङ, नई दिल्ली ।
3. जिला vi(1), (2), (3), (4), (5), (6), (7), (8), (9), और (10), ङ, नई दिल्ली ।

झ—रेंज, नई दिल्ली

1. जिला iii बाई ज, अ, ङ, ट, ठ, ठ (अतिरिक्त) त, नई दिल्ली ।
2. निष्क्रान्त सर्किल, नई दिल्ली ।
3. जिला iii (10), (11), (12), (13), (14), (15), (16), (17), और (18), नई दिल्ली ।
4. ख—V, ख—V (1), ख—vi, ख—vi (1), ख—vii, ख—vii (1), अतिरिक्त ख—vii, ख—viii, ख—viii (1), ख (ix), अतिरिक्त ख—(ix) जिले, नई दिल्ली ।
5. आयकर एवं धनकर सर्किलें ii और vi, नई दिल्ली ।

ट—रेंज, नई दिल्ली

1. जिला—V, बाई क, क (अतिरिक्त) ख, ख (अतिरिक्त), ग, घ, ङ, च और छ, नई दिल्ली ।
2. जिला , (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), नई दिल्ली ।
3. ख—XV, ख—XV (1), ख—XV (2), ख—Xvi, ख—Xvi(1), ख—Xvi(2), ख—Xviii, ख—Xviii (1), और अतिरिक्त ख—Xviii जिले नई दिल्ली ।
4. आयकर-एवं धनकर सर्किलें iii, नई दिल्ली ।

ठ—रेंज, नई दिल्ली ।

1. जिला iii बाई क (i), ग(i), ङ(i) छ(i), झ (i) और ट (i), नई दिल्ली ।

2. जिला iv. वार्ड क (i), ख(i), ग(ii) और ग (iii) नहीं दिल्ली ।
3. विशेष निर्धारण सर्किलें, i, ii, iii, iv, v, vi, vii, viii, ix और X नहीं दिल्ली ।
4. विशेष सर्वेक्षण सर्किलें, i, ii, iii, iv, v, vi, vii, viii, और ix नहीं दिल्ली ।
- कु-रेज नहीं दिल्ली ।
1. जिला-iv, वार्ड क, ख, ग और घ नहीं दिल्ली ।
2. जिला-iv (1), (2), (3), (4), (5), और (6), ।
3. जिला-V, वार्ड क(i), ख(i), ग(i), च(i), च(i) अनिरिक्त, च(ii) और च(iii), नहीं दिल्ली ।
4. जिला-V (16), (17), (18), (19), (20), नहीं दिल्ली ।
5. ख Xii (i) उ-Xii (i), घ-Xiii, ख-Xiii(i) त्रिले, नहीं दिल्ली ।
6. आयकर एवं धनकर सर्किलें ix और X, नहीं दिल्ली ।

यह अधिसूचना 26 जुलाई, 1969 से प्रभावी होगी ।

स्पष्टीकरण टिप्पण :—

यह संशोधन आयकर अधिकारियों की अधिकारिता के पुनर्गठन के कारण आवश्यक हो गया है ।

(उपर्युक्त टिप्पण अधिसूचना का भाग नहीं है किन्तु केवल स्पष्टीकरण के लिए आशयित है)

[सं० 106 (फा० सं० 50/43/69-आई टी जे)]

New Delhi, the 1st August 1969

S.O. 164.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Incometax Act 1961 (43 of 1961) and all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Incometax of the Ranges specified in column 2 of the schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super Tax in the Incometax Circles, Wards and Districts specified in the corresponding entry in Column 3 thereof:—

SCHEDULE

S. No. Ranges		Incometax Wards and Districts.
1	2	3
1.	Range-I, Agra.	1. A to E Ward, Agra. 2. ITO (Colln.) Agra. 3. Firozabad 4. Malnpuri. 5. Etah.

1	2	3
2. Range-II, Agra.		1. G, H, K to N & P Ward, Agra 2. ITO (Admn.), Agra. 3. Aligarh. 4. Mathura. 5. Special Survey Circle, Agra. 6. Special Circle, Agra.
3. Dehradun.		1. Dehradun. 2. ED-cum-IT Circle, Dehradun. 3. Roorkee. 4. Saharanpur.
4. Range-I, Kanpur.		1. Circle II excluding ITO (Colln), Kanpur. 2. Company Circle, Kanpur. 3. Etawah. 4. Special Circle, A-Ward, Kanpur.
5. Range-II, Kanpur.		1. Banda Circle. 2. ITO (Colln), Circle I and II, Kanpur. 3. Jhansi. 4. Project Circle, Kanpur. 5. Salary Circle, Kanpur. 6. Special Survey Circle, Kanpur 7. Special Circle 'B', Kanpur.
6. Range-III, Kanpur.		1. Circle I excluding ITO(Colln), Kanpur. 2. ED-cum-IT Circle, Kanpur. 3. Fatehgarh. 4. Special Circle 'C' Kanpur.
7. Range-I, Meerut.		1. D to G Ward, Meerut. 2. ITO(Colln) & (Admn.), Meerut. 3. Project Circle, Meerut. 4. Muzaffarnagar.
8. Range-II, Meerut.		1. A to C Ward, Meerut. 2. Salary Circle, Meerut. 3. Special Survey Circle, Meerut. 4. Ghaziabad.
9. Range-III, Meerut.		1. Central Circles I to IV, Meerut. 2. Central Circles III to V, Kanpur.

Where an Incometax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Incometax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Incometax Circle, Ward or District or part thereof is transferred shall, from the date of this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said circle, ward or district or part thereof is transferred.

This notification shall take effect from 1st August, 1969.

Explanatory Note:

The amendment has become necessary on account of reorganization of AAC's jurisdiction.

(This note does not form a part of the Notification but is intended to be merely clarificatory).

नई दिल्ली, 1 अगस्त 1969

का प्रा० 164.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त अपने को समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए तथा इस संबंध की सभी पूर्व अधिसूचनाओं को अधिकांत करते हुए केन्द्रीय प्रत्यक्षकर बोर्ड एतद्वारा निदेश देता है कि नीचे की अनुसूची के स्तम्भ 2 में विनिर्दिष्ट रेंजों के अपीली महायक आयकर आयुक्त उन सभी व्यक्तियों के और उस आय के संबंध में अपने कृत्यों का पालन करेंगे जो उस अनुसूची के स्तम्भ 3 की तत्स्थानी प्रविष्टि में विनिर्दिष्ट आयकर सकिलों बाडों या जिलों में आयकर या अधिकर के लिये हैं निर्धारित हुए हैं।

अनुसूची

क्रम संख्या	रेंज	आयकर सकिल, बाडें और जिले
1	2	3
1	रेंज—i, आगरा	1. क से ऊ बाडें, आगरा। 2. आयकर अधि० (संग्रहण), आगरा। 3. फिरोजाबाद। 4. मैनपुरी। 5. एटा।
2	रेंज—ii, आगरा	1. छ, ज, ट से ढ और त बाडें, आगरा। 2. आयकर अधि० (प्रशासन), आगरा। 3. अलीगढ़। 4. मथुरा। 5. विशेष सर्वेक्षण सकिल, आगरा। 6. विशेष सकिल, आगरा।
3	देहरादून	1. देहरादून। 2. सम्पदा शुल्क एवं आयकर सकिल, देहरादून। 3. रुड़की। 4. सहारनपुर।
4	रेंज—i, कानपुर	1. आयकर अधि० (संग्रहण) को अपवर्जित करके (छोड़कर) सकिल ii, कानपुर। 2. कंपनी सकिल कानपुर। 3. इटावा। 4. विशेष सकिल, क—बाडें, कानपुर।
5	रेंज—ii, कानपुर	1. बाँदा सकिल। 2. आयकर अधि० (संग्रहण) सकिल i और ii कानपुर। 3. झाँसी।

1	2	3
		4. प्रायोजना सिकिल, कानपुर ।
		5. वेतन सिकिल, कानपुर ।
		6. विशेष सर्वेक्षण सिकिल, कानपुर ।
		7. विशेष सिकिल 'ख', कानपुर ।
6	रेंज—iii, कानपुर	1. आयकर अधि० (संग्रहण) को अपवर्जित करके (छोड़कर) सिकिल i, कानपुर ।
		2. सम्पदा शुल्क एवं आयकर सिकिल, कानपुर ।
		3. फतेहगढ़ ।
		4. विशेष सिकिल 'ग', कानपुर ।
7	रेंज i, मेरठ	1. व से छ बाई, मेरठ ।
		2. आयकर अधि० (संग्रहण) और (प्रशासन) मेरठ ।
		3. प्रायोजना सिकिल मेरठ ।
		4. मृजफरनगर ।
8	रेंज—ii, मेरठ	1. क से ग बाई मेरठ ।
		2. वेतन सिकिल, मेरठ ।
		3. विशेष सर्वेक्षण सिकिल, मेरठ ।
		4. गाजियाबाद ।
9	रेंज—ii, मेरठ	1. केन्द्रीय सिकिल i से iv, मेरठ ।
		2. केन्द्रीय सिकिल iii से v कानपुर ।

जहाँ इस अधिसूचना द्वारा कोई आयकर सिकिल, बाई या जिला या उसका कोई भाग एक रेंज से दूसरे रेंज को अन्तरित हो गया है। वहाँ उस आयकर सिकिल, बाई या जिले या उसके किसी भाग में निर्धारणों के परिणामस्वरूप की गई अपीलें, इस अधिसूचना की तारीख से ठीक पहले उस रेंज के अपीली सहायक आयुक्त के समक्ष लम्बित थी, जिससे वह आयकर सिकिल, बाई या जिला या उसका कोई भाग अन्तरित कर दिया गया, इस अधिसूचना के प्रभावी होने की तारीख से उस रेंज के, जिसको उक्त सिकिल, बाई या जिला या उसका कोई भाग अन्तरित कर दिया गया है, अपीली सहायक आयुक्त को अन्तरित कर दी जाएंगी और उनके संबंध में कार्यवाही उक्त अपीली सहायक आयुक्त द्वारा की जायेगी।

यह अधिसूचना 1 अगस्त, 1969 में प्रभावी होगी।

स्पष्टीकरण दिप्पण :

यह संशोधन अपीली सहायक आयुक्त की अधिकारिता के पुनर्गठन के कारण आवश्यक हो गया है।

(यह संशोधन अधिसूचना का अंग नहीं है किन्तु केवल स्पष्टीकरण के लिये प्राप्त-यित है।)

Delhi, the 4th August 1969

S.O. 165.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its Notification No. 57 (F. No. 50/38/69-ITJ) dated the 27th May, 1969.

In the said schedule against E, G. and H-Range under column 2 the following shall be substituted:—

SCHEDULE

Range	Income-tax Wards/Circles and Districts
1	2
E-Range	D-I Ward.
G-Range	B-I and A-I Wards.
H-Range	BOMBAY SUBURBAN DISTRICT (WEST).

This notification shall take effect from the 4th August, 1969.

Explanatory Note:

The amendment has become necessary on account of reallocation of jurisdiction of AACs.

(This Note does not form part of the Notification, but is intended to be merely clarificatory).

[No. 113 (F. No. 50/38/69-ITJ.)]

नई दिल्ली, 4 अगस्त 1969

का० प्रा० 165.—आयकर अधिनियम, 1961 (1961 का 43) की 122 धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त अपने को समर्थ बननेवाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद् द्वारा अपनी अधिसूचना सं० 57 (फा० सं० 50/38/69-आई०टी०जे०) तारीख 27 मई, 1969 से संलग्न अनुसूची में निम्नलिखित संशोधन करता है—

उक्त अनुसूची में ड० छ और ज रेंज के सामने, स्तम्भ 2 के नीचे निम्नलिखित प्रतिस्थापित किया जाएगा:—

अनुसूची

रेंज	आयकर वार्ड/सकिल और जिला
1	2
ड—रेंज	घ—i वार्ड
छ—रेंज	ख—i और क—i वार्ड
ज—रेंज	मुम्बई उपनगर जिला (पश्चिमी)

यह अधिसूचना 4 अगस्त, 1969 से प्रभावी होगी।

स्पष्टीकरण टिप्पण :

यह संशोधन सहायक आयकर आयुक्तों की अधिकारिता के पुर्नविंटन के कारण आवश्यक हो गया है।

(यह टिप्पण अधिसूचना का भाग नहीं है किन्तु केवल स्पष्टीकरण के लिए आशयित है)।

[सं० 113 फा० सं० 50/38/69-आई० टी० ज०]

CORRIGENDUM

New Delhi, the 2nd September 1969

S.O. 168.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961, (43 of 1961) and of all other powers enabling it in that behalf, Central Board of Direct Taxes, hereby directs that the following amendment shall be made in the schedule appended to its Notification No. 87 (F. 50/40/69-ITJ) dated 28th June, 1969:

In column 2 of the said schedule against D-Range, Ahmedabad:

For

1. Group Circle III(1), Ahmedabad.
2. Group Circle III(3), Ahmedabad.
3. Circle IV, Ahmedabad.
4. Circle IX, Ahmedabad.
5. Central Circle, Ahmedabad.

Read

1. Group Circle III(I), Ahmedabad.
2. Group Circle III(3), Ahmedabad.
3. Circle IV, Ahmedabad.
4. Circle IX, Ahmedabad.

[No. 118 (F. No. 50/40/69-ITJ.)]

S. V. SUBBA RAO, Under Secy.

शुद्धीपत्र

नई दिल्ली, 2 सितम्बर, 1969

फा० आ० 166.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त अपने को समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश करता है कि अपनी अधिसूचना सं० 87 (फा० सं० 50/40/69-आई० टी० जे०) तारीख 28 जून, 1969 के साथ संलग्न अनुसूची में निम्नलिखित संशोधन किया जाएगा—

उक्त अनुसूची के स्तम्भ 2 में ख—रेंज, अहमदाबाद के सामने :

इसकी जगह

1. ग्रुप सर्किल iii (1), अहमदाबाद ।
2. ग्रुप सर्किल iii(3), अहमदाबाद ।
3. सर्किल iv, अहमदाबाद ।
4. सर्किल ix, अहमदाबाद ।
5. केन्द्रीय सर्किल, अहमदाबाद ।

यह पढ़ा जाएगा

1. ग्रुप सर्किल iii(1), अहमदाबाद ।
2. ग्रुप सर्किल iii(3), अहमदाबाद ।
3. सर्किल, iv, अहमदाबाद ।
4. सर्किल ix, अहमदाबाद ।

[सं 118 (फा० सं० 50/40/69-आई टी जे)]

एस० बी० मुब्बा राव, अवसर सचिव ।

INCOME-TAX

New Delhi, the 11th November 1969

S.O. 167.—In exercise of the powers conferred by Sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendments in the schedule appended to its notification No. 98(F. No. 50/9/68-ITJ) dated 8th October, 1968 as amended from time to time, namely:—

In the said Schedule Bhavnagar Range, Bhavnagar shall be added under column 1 and against this Range the following circles shall appear in the corresponding entry under column 2 thereof:—

1. Bhavnagar Circle.
2. Amreli Circle.
3. Junagadh Circle.
4. Porbandar Circle.

In the said Schedule against Rajkot Range, Rajkot, under column 2 the following shall be deleted namely:

4. Bhavnagar Circle.
5. Amreli Circle.
6. Junagadh Circle.
7. Porbandar Circle.

This notification shall take effect from 24th November, 1969.

Explanatory Note:

The amendment has become necessary on account of one more post of AAC attached to the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 152(F.No. 50/40/69-ITJ.)]

आयकर

नई दिल्ली, 11 नवम्बर, 1969

फा० ग्रा० 167—आयकर अधिनियम 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड समय समय पर यथा संशोधित अपनी अधिसूचना सं० 98(फा० सं० 50/9/68-आई० टी० जे०) तारीख 8-10-68 में संलग्न अनुसूची में एतद्वारा निम्नलिखित संशोधन करता है अर्थात् :—

उक्त अनुसूची में स्तंभ 1 के नीचे भावनगर रेंज, भावनगर जोड़ दिया जायेगा और इस रेंज के सामने स्तंभ 2 के नीचे उसकी तत्सम्बन्धी प्रविष्टि में निम्नलिखित सर्किल दिखाए जायेंगे :—

1. भावनगर सर्किल
2. अमरेली सर्किल
3. जूनागढ़ सर्किल
4. पोरबन्दर सर्किल

उक्त अनुसूची में स्तंभ 2 के नीचे राजकोट रेंज राजकोट के सामने से निम्नलिखित काट दिया जायेगा अर्थात् :—

1. भावनगर सर्किल
2. अमरेली सर्किल
3. जूनागढ़ सर्किल
4. पोरबन्दर सर्किल

यह अधिसूचना 24-11-1969 में प्रभाव में होगी ।

स्पष्टीकारक टिप्पण :—

यह संशोधन आयुक्त के भारसाधन से संलग्न सहायक आयुक्त (अपील) का एक और पद हो जाने के कारण आवश्यक हो गया है।

(उपर्युक्त टिप्पण इस अधिसूचना का अंग नहीं है किन्तु केवल स्पष्टीकरण के लिए आशयित है)।

[सं० 152 (फा० सं० 50/40/69-आई० टी० जे०)]

New Delhi, the 18th November 1969

S.O. 168.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf the Central Board of Direct Taxes, hereby makes the following amendments in the schedule appended to its notification No. 57 (F. No. 50/38/69-ITJ) dated the 27th May, 1969 namely.

In the said schedule against A & B Ranges, Bombay under column 2 the following shall be substituted:—

A-Range, Bombay : Com. Cir. II.

B-Range, Bombay : Film Cir. and Com. Cir. I.

This notification shall take effect from 20th November, 1969.

Explanatory Note:

The amendment has become necessary on account of re-allocation of work among AACs A and B Ranges.

(This note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 153(F. No. 50/38/69-ITJ.)]

नई दिल्ली, 18 नवम्बर, 1969

का० आ० 168:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड अपनी अधिसूचना सं० 57 (फा० सं० 50/38/69-आई० टी० जे०) तारीख 27 मई, 1969 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है, अर्थात्:—

उक्त अनुसूची में क और ख रेंज, बम्बई के सामने स्तंभ 2 के नीचे निम्नलिखित प्रतिस्थापित किया जायेगा :—

क—रेंज, मुंबई : आयुक्त सकिल 2

ख—रेंज, मुंबई : फिल्म सकिल और आयुक्त सकिल।

यह अधिसूचना 20 नवम्बर, 1969 से प्रभावी होगी।

स्पष्टीकारक टिप्पण :

यह संशोधन क और ख रेंजों के सहायक आयुक्त (अपील) के बीच कार्यों के पुनः आवंटन के कारण आवश्यक हो गया है।

(यह टिप्पण इस अधिसूचना का अंग नहीं है किन्तु केवल स्पष्टीकरण के लिए आशयित है)।

[सं० 153 (फा० सं० 50/38/69-आई० टी० जे०)]

CORRIGENDUM

New Delhi, the 24th November 1969

S.O. 169.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes the following amendment in its notification No. 20 (F. No. 50/48/69-ITJ) dated 20th March, 1969:

The notification shall take effect from 1st June, 1969 as against 20th March, 1969 mentioned therein.

[No. 156 (F. No. 50/48/69-ITJ).]

Y. SINGH, Under Secy.

शुद्धि पत्र

नई दिल्ली, 24 नवम्बर 1969

क्रा० आ० 169 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड अपनी अधिसूचना सं० 20 (फा० सं० 50/48/69-आई टी जे) तारीख 20 मार्च, 1969 में एतद्वारा निम्नलिखित संशोधन करता है :

अधिसूचना, उस में वर्णित 20 मार्च, 1969 के बजाए 1 जून, 1969 से प्रभावी होगी ।

[सं० 156 (फा० सं० 50/48/69-आई०टी०जे०)]

वाई० सिंह, अवर सचिव ।

OFFICE OF THE COMMISSIONER OF INCOME-TAX (TRAINING)

Nagpur, the 28th November 1969

S.O. 170.—On completion of their foundational training at National Academy of Administration, Mussoorie, the undermentioned probationary Incometax Officers, Class I, reported for further training at Nagpur on the dates shown against their names:—

S/Shri	
1. Ku. M. Kherawala	14-11-69 (F.N.)
2. J. K. Goel	28-10-69 (F.N.)
3. J. G. Pensise	15-11-69 (F.N.)
4. Paras Nath	13-11-69 (A.N.)
5. M. Shastri	14-11-69 (F.N.)
6. Ku. U. Venkataraman	12-11-69 (A.N.)
7. K. C. Tewary	14-11-69 (A.N.)
8. P. Singh	14-11-69 (A.N.)
9. A. S. Thakur	12-11-69 (A.N.)
10. S. Misra	15-11-69 (F.N.)
11. P. R. Hajarnavis	14-11-69 (A.N.)
12. Ku. B. Bhatti	18-11-69 (F.N.)
13. R. R. Singh	13-11-69 (A.N.)
14. A. N. Prasad	14-11-69 (A.N.)
15. V. S. Wahi	14-11-69 (A. N.)
16. N. C. Gupta	14-11-69 (A.N.)
17. Subhash C. Sharma	14-11-69 (A.N.)
18. H. Tulsyan	13-11-69 (A.N.)

S/Shri

19. S. K. Jha	14-11-69 (F.N.)
20. B. M. Mehra	15-11-69 (F.N.)
21. S. K. Bhatnagar	14-11-69 (A.N.)
22. V. Mathur	13-11-69 (F.N.)
23. Ku. R. Kataria	14-11-69 (A.N.)
24. Ku. B K. Uppal	18-11-69 (F.N.)
25. K. Gopalan	17-11-69 (F.N.)
26. Ku. V. Deshpande	14-11-69 (A.N.)
27. B. M. Jindel	14-11-69 (A.N.)
28. P. C. Sinha	17-11-69 (F.N.)
29. A. Bhargava	17-11-69 (F.N.)
30. U. P. Singh	14-11-69 (F.N.)
31. Smt. R. R. Misra	14-11-69 (A.N.)
32. B. Ramakumar	3-11-69 (F.N.)
33. V. Shah	15-11-69 (F.N.)
34. V. K. Biranwal	13-11-69 (F.N.)
35. Sharda C. Sharma	20-10-69 (F.N.)
36. V. S. Banthia	31-10-69 (F.N.)
37. S. Lal	14-11-69 (A.N.)
38. A. Singh	17-11-69 (F.N.)
39. S. C. Sarkar	12-11-69 (F.N.)
40. R. Sajiwan	15-11-69 (F.N.)
41. P. S. Kalsian	17-11-69 (F.N.)
42. A. K. D. Jitlu	11-11-69 (F.N.)
43. M. S. Goela	30-10-69 (F.N.)
44. K. Inbasagaran	28-10-69 (F.N.)

2. The under mentioned probationary Income-tax Officers who were selected for appointment as Income-tax Officer Class I on the basis of the combined competitive examination held by the Union Public Service Commission in 1968 reported for training at Nagpur on the dates shown against their names:—

S/Shri

1. S. N. Prasad	14-11-69 (A.N.)
2. N. P. Tripathy	15-11-69 (A.N.)
3. D. Chatterje	14-11-69 (A.N.)
4. D. R. Verma	14-11-69 (A.N.)
5. N. P. Sengupta	14-11-69 (A.N.)
6. A. Banerjee	14-11-69 (A.N.)
7. Ku. S. K. Brar	14-11-69 (A.N.)
8. D. P. Singh	14-11-69 (A.N.)
9. N. V. Muthavan	15-11-69 (F.N.)
10. E. Lakra	13-11-69 (A.N.)
11. G. R. Joshi	13-11-69 (A.N.)

[No. E-37(Trg)70]

V. R. Bapat, Commissioner.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS-34

Madras, the 3rd January, 1970

S.O. 171.—In exercise of the powers conferred under Rule 5 of the Central Excise Rules, 1944, I empower the Assistant Collectors of Central Excise of this Collectorate, to exercise within their respective jurisdictions, the powers of a

'Collector' under Rule 173-L, to grant refund of the duty paid on manufactured excisable goods issued for home consumption from a factory, which are returned to the same or any other factory for being remade, refined, reconditioned or subjected to any other similar process in the factory.

[No. C. IV/16/319/69-SRPC.]

S. VENKATARAMAN, Collector.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 3rd January 1970

S.O. 172.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 2375 dated 21st June, 1969 published under sub-section (1) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule thereto, for the transport of Petroleum from well No. 88 to GGS VII in Kalol Oil-Field in Gujarat State;

And whereas the Oil and Natural Gas Commission has terminated the operation referred to in clause (1) of sub-section (1) of section 7 of the said Act on 28th July, 1969;

Now therefore under Rule 4 of the Petroleum Pipelines Rules 1963, the Competent Authority hereby notifies the said date as the date of termination of operations for laying the said line in the lands specified under the above stated notification.

[No. 11(1)/69-Lab. & Legis.]

M. V. S. PRASADA RAU, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 6th January 1970

S.O. 173.—In the erstwhile Ministry of Industrial Development and Company Affairs (Department of Industrial Development) order No. S.O. 274/IDRA, dated the 8th January, 1968, published in the Gazette of India dated the 20th January, 1968, as amended from time to time:—

For

3. Shri M. P. Mansingka, M/s:
Mansingka Industries (P)
Ltd., Pachora (Maharashtra).

Read

3. Shri M. P. Mansingka, Managing
Director, M/s. Mansingka Indus-
tries Pvt. Ltd., 258, Kalbadevi Road,
Bombay-2.

[No. 24(6)/66-LI(I).]

A. P. SARWAN, Dy. Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Works Housing and Urban Development)
(Directorate of Estates)

New Delhi, the 8th January 1970

S.O. 174.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Supplementary

Rules issued with the Government of India, Finance Department letter No. 104-CSR, dated the 4th February, 1922, namely:—

1. These rules may be called the Allotment of Government Residences (General Pool in Delhi) Amendment Rules, 1970.

2. They shall come into force on the 1st day of February, 1970.

2. In part VIII of the Supplementary Rules, in Division XXVI-B, for S.R.-317-B-8, the following shall be substituted, namely:—

“Maintenance of separate pools for certain categories of officers—
S.R.317-B-8.—

(1) Notwithstanding anything contained in these rules, the following pools shall be maintained, namely:—

(i) Lady Officers' Pool for lady officers other than those who are married and whose husbands are eligible for allotment of accommodation under these rules; and

(ii) Tenure Officers' Pool for the officers of the Indian Administrative Service and the Indian Police Service on duty with the Central Government or the Delhi Administration on tenure basis.

(2) The number and types of residences to be placed in these pools shall be determined by the Government from time to time.

(3) The officers shall be entitled to allotment of accommodation in the said pools in the type next below the type to which they are entitled under the provisions of S.R.317-B-5.

(4) The *inter se* seniority of the officers eligible for the allotment of residences under this rule shall be determined in the following manner, namely:—

(a) In the Lady Officers' Pool, on the basis of the priority date on which each such officer became eligible for the type of residence in that pool.

(b) In the Tenure Officers' Pool, on the basis of the date from which each such officer began to draw emoluments pertaining to the type to which he is to be considered for allotment.

[No. 12024(2)/68-Pol.(II).]

स्वास्थ्य और परिवार नियोजन तथा निर्माण, आवास और नगर विकास मंत्रालय

(निर्माण, आवास और नगर विकास विभाग)

(सम्पदा निदेशालय)

नयी दिल्ली, 8 जनवरी, 1970

का० आ० 174—मूल नियमों के नियम 45 के उपबन्धों के अनुसरण में, राष्ट्रपति ने भारत सरकार, वित्त विभाग के पत्र सं० 104-सी० एम० आर० तारीख 4 फरवरी, 1922 के साथ जारी किये गये अनुपूरक नियमों का संशोधन करने के लिए निम्नलिखित और आगे नियम बनाये हैं, नामक:—

(1) ये नियम सरकारी निवास स्थानों के आबंधन (दिल्ली के सामान्य पूल) के संशोधन नियम, 1970 कहलायेंगे।

(2) ये फरवरी, 1970 के प्रथम दिन से लागू होंगे।

2. अनुपूरक नियमों के भाग 8 में, खण्ड 26—‘ख’ में, अनु० नि० 317-ख-8 के स्थान पर निम्नलिखित को प्रतिस्थापित कर लिया जाये:—

“अधिकारियों के कुछेक वर्गी के लिये अलग अलग पूल बनाए रखना—अनु० नि० 317-ख-8”

(1) इन नियमों में जो कुछ भी निहित है उसके बावजूद, निम्नलिखित पूल बनाये जायेंगे, नामशः—

- (i) महिला अधिकारी पूल, महिला अधिकारियों के लिए—विवाहित महिलाओं और जिनके पति इन नियमों के अधीन बाम के आर्बंटन के पात्र हैं उनको छोड़कर।
- (ii) सार्वधिक अधिकारी पूल, भारतीय प्रशासन सेवा और भारतीय पुलिस सेवा के उन अधिकारियों के लिए जो सार्वधिक आधार पर केन्द्रीय सरकार या दिल्ली प्रशासन में ड्यूटी पर आये हुए हैं।
- (2) इन पूलों में कितने और किस टाइप के मकान रखे जायेंगे इसका निर्धारण सरकार समय समय पर करेगी।
- (3) ये अधिकारी उक्त पूलों में उस टाइप से ठीक नीचे के टाइप के पात्र होंगे जिसके वे अनु० नि० 317-ख-5 के उपबन्धों के अधीन पात्र हैं।
- (4) इस नियम के अधीन मकानों के आर्बंटन के लिए पात्र अधिकारियों की परस्पर वरिष्ठता का निर्धारणता का निर्धारण निम्नलिखित ढंग से किया जायेगा।

(क) महिला अधिकारी पूल में, उस तारीख से के आधार पर जब से प्रत्येक ऐसा अधिकारी उक्त पूल में मकान के टाइप के लिए पात्र हो जाता है।

(ख) सार्वधिक अधिकारी पूल में, उस तारीख के आधार पर जब से प्रत्येक ऐसा अधिकारी उस टाइप की परम्पन्नधियां लेना आरम्भ करता है जिसके आर्बंटन के लिए उसके मामले पर विचार किया जाता है।

[सं० 12024 (2) 68/नीति (2)]

टी० के० बालसुब्रमणियन्, उप सम्पदा निदेशक तथा पदेन
अवर सचिव।

(Department of Works, Housing and Urban Development)

CORRIGENDUM

New Delhi, the 12th January 1970

S.O. 175.—In the notification of the Government of India in the Ministry of Health, Family Planning and Works, Housing and Urban Development (Department of Works, Housing and Urban Development) (Directorate of Estates) No. S.O. 2483 dated the 19th June, 1969 published in the Gazette of India, Part II-Section 3-Sub section (ii) dated 28th June, 1969 at page 2615,—

(i) In lines 5 and 6 for "Shri Gurdip Singh, P.C.S." read "Shri Hoshiar Singh, P.C.S."; and

(ii) in line 10 for "No. 2" read "No. 1".

[No. F. 21011(4)/66-Pol.IV.]

T. K. BALASUBRAMANIAN,

Deputy Director of Estates and

Ex-Officio Under Secy.

MINISTRY OF SHIPPING AND TRANSPORT

(Directorate General of Shipping)

ORDER

Bombay, the 17th December 1969

S.O. 176.—In pursuance of note (3) of the schedule to the notification of the Government of India in the Ministry of Transport and Shipping relating to scales

of provision for seamen, No. S.O. 2169, dated 21st June, 1967, and in furtherance of the order of the Director General of Shipping, No. 9(21)-CRA/67, dated the 11th June, 1969, I, K. C. Madappa, Director General of Shipping hereby order that, for a period of six months with effect from the date of this order the total daily scale of cereal rations of 570 grams stand amended to 350 grams rice and 170 grams wheat, if procurement is made in India.

2. As a compensation for the reduction of 50 grams in the rice rations, the scale of other items shall be increased per day as under for each unit of 25 grams :—

10 grams of fresh fish, or

5 grams of meat, or

50 grams of dry vegetables, or

25 grams of fresh vegetables.

[No. 9(21)-CRA/67.]

K. C. MADAPPA,

Director General of Shipping.

MINISTRY OF FOREIGN TRADE

RUBBER CONTROL

New Delhi, the 5th January 1970

S.O. 177.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 4 and sub-section (2) of section 5 of the Rubber Act, 1947 (24 of 1947), read with sub-rule (3) of rule 3 and sub-rule (2) of rule 4 of the Rubber Rules, 1955, the Central Government hereby appoints, on the recommendation of the Government of Kerala, Shri K. V. Ramakrishna Ayyar, Additional Secretary, Department of Agriculture, Government of Kerala, Trivandrum as a member of the Rubber Board with effect on and from the 5th January, 1970 and upto the 21st February, 1971 vice Shri T. V. Swaminathan appointed as Chairman.

[No. F. 15(3)Plant(B)/67.]

M. L. GUPTA, Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 29th October 1969

S.O. 178.—Licences Nos. :—

(1) P/SS/1612310/C dated 12th November, 1968, Rs. 5,528/- Powdered Milk.

(2) P/SS/1612311/C dated 12th November, 1968, Rs. 11,057/- Powdered Milk. Rs. 11,057/- Powdered Milk were issued to M/s. Vikas Laghu Udyog, P.O. 20th Mile Stone, G. T. Road, Rai (Haryana) subject to the condition that all items of goods imported under them would be used only in their factory at the address shown in the application against which the licences were issued but that no portion thereof would be sold to any other party or utilised or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. V-3/69/ENF/CLA/1931 dated 22nd May, 1969 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that they are not interested in the manufacturing and also not installed the machinery for the requisite value in terms of Clause 9, sub-clause (cc) of Imports (Control) Order, 1955, as amended.

3. In response to the aforesaid show cause notice, M/s. Vikas Laghu Udyog, P.O. 20th Mile Stone, G. T. Road, Rai (Haryana) have not sent any reply.

4. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955, as amended hereby cancel the licences Nos. (1) P/SS/1612310/C dated 12th November, 1968 for Rs. 5,528/- Powdered Milk (2) P/SS/1612311/C dated 12th November, 1968 for Rs. 11,087/- Powdered Milk issued in favour of M/s. Vikas Laghu Udyog, 20th Mile Stone, G. T. Road, Rai (Haryana).

[No. V-3/69/ENF/CLA.]

RAM MURTI SHARMA,

Jt. Chief Controller of Imports and Exports.

(Office of the Joint Chief Controller of Imports and Exports)

ORDER

Calcutta, the 2nd January 1970

SUBJECT.—Duplicate copy of Licence No. 0144858/C dated 4th July, 1968.

S.O. 179.—Messrs. The Modern Dental and Medical Depot, 51, Chittaranjan Avenue, Calcutta-13 were granted import licence No. P/E/0144858/C dated 4th July, 1968 for Rs. 15,569/- (Rupees fifteen thousand five hundred and sixty-nine only). They have now applied for issue of a duplicate copy of the said licence on the ground that the original has been lost. It is further stated that the original licence was Registered with the Custom House, Calcutta and partly utilised.

In support of this contention the applicant has filed an affidavit and produced letter from the Collector of Customs, Calcutta, to show that the licence leaves a balance of Rs. 4,026/- (Rupees four thousand and twentysix only). I am satisfied that the original Licence No. P/E/0144858/C dated 4th July, 1968 has been lost and direct that a duplicate licence should be issued to the applicant. The original licence is cancelled.

[No. F. 93-94(e)-V/21/AM'69/EI-I.]

M. S. PURI,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 7th January 1970

S.O. 180.—Shri Mula Singh S/o Shri Sunder Singh, Vill. Dadher Sahib P. O. Sarhali Kalan, Teh. Tarn Taran, Dist. Amritsar was granted a Custom Clearance Permit No. P/J/2368182/N/MN/32/H/29-30 dated 17th September, 1969 for Rs. 6,480/- for import of one DT 14 B Tractor (Without batteries). He has applied for a duplicate copy of the Custom Clearance Permit on the ground that the original Custom Clearance Permit has been lost/misplaced. It is further stated that the original Custom Clearance Permit was not registered with any Custom House and not utilised. In support of this contention, he has filed an affidavit. I am satisfied that the original Customs Clearance Permit No. P/J/2368182, dated 17th September, 1969 has been lost/misplaced and direct that a duplicate Customs Clearance Permit should be issued to the applicant. The original Custom Clearance Permit is cancelled.

[No. 74-V/M-49/AM70/Adhoc/1702.]

J. SHANKAR,

Dy. Chief Controller of Imports and Exports.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 31st December 1969

S.O. 181.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints the following persons as member of the Advisory Panel of the Central Board of Film Censors at Madras with effect from 1st January, 1970 to 31st March, 1970.

1. Smt. Malati Chendur.
2. Shri C. R. Sarma.
3. Shri T. Neelakantan.
4. Smt. Soundra Kailasam.
5. Smt. Snehalata Reddy.
6. Shri Mohd. Yousuf Kokan.

[No. F. 11/10/69-F(C).]

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 31 दिसम्बर, 1969

एम० ग्रो० 181:—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र संसार नियमावली, 1958 के नियम 9 के उपनियम 2 तक नियम 8 के उपनियम (3) के साथ पठित नियम 9 के उपनियम 3 द्वारा दिये गये अधिकारों का प्रयोग करते हुये, केन्द्रीय सरकार ने एतद्द्वारा निम्नलिखित व्यक्तियों को 1-1-70 से 31-3-1970 तक केन्द्रीय फिल्म सेंसर बोर्ड के मद्रास सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है:—

1. श्रीमती मावती चैन्दर
2. श्री सी० आर० जर्मा
3. श्री टी० नीलाकाण्ठन
4. श्रीमती सऊद्रा कैलासम
5. श्रीमती स्नेहलता रेड्डी
6. श्रीमती मोहम्मद यूसुफ कोकन

[सं० फा० 11/10/69-एफ० सी०]

S.O. 182.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of the rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Shri Pakala Surianarayana Rao after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Madras with effect from 1st January, 1970 to 31st March, 1970.

[No. F. 11/10/69-F(C).]

एफ० ग्रो० 182:—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सैंसर) नियमावली, 1958 के नियम 9 के उपनियम 2 तथा नियम 8 के उपनियम (3) के साथ पठित नियम 9 के उपनियम 3 द्वारा दिये गये अधिकारों का प्रयोग करते हुये, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करके एतद् द्वारा श्री पाकला सुर्य नारायण राव को 1-1-70 से 31-3-70 तक केन्द्रीय फिल्म सेंसर बोर्ड के मद्रास सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है।

[सं० फा० 11/10/69-एफ० सी०]

S.O. 183.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cinematograph Act, 1952, read with rule 4 of Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints the following persons as members of the Central Board of Film Censors with effect from 1st January, 1970 to 31st March, 1970.

1. Shri B. R. Agarwal.
2. Shri V. R. Mohan.

[No. F. 11/11/69-F(C).]

एस० ओ० 183.—चलचित्र (सेंसर) नियमावली 1958 के नियम 4 के साथ पठित चलचित्र अधिनियम, 1952 की धारा 3 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुये केन्द्रीय सरकार ने एतद्वारा निम्नलिखित व्यक्तियों को 1 जनवरी, 1970 से 31 मार्च, 1970 तक केन्द्रीय फिल्म सेंसर बोर्ड का फिर से सदस्य नियुक्त किया है :—

1. श्री बी० आर० अग्रवाल
2. श्री बी० आर० मोहन

[सं.या 11/11/69-एफ० (सी)]

S.O. 184.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints following members as a member of the Advisory Panel of the Central Board of Film Censors at Bombay with effect from 1st January, 1970 to 31st March, 1970.

1. Prof. T. V. Ramanujam.
2. Prof. G. C. Jhala.
3. Shri Arun Kaul.
4. Prof. Murli Thakur.
5. Shri G. K. Dutta.
6. Sh. Lalit Kumar Mulraj Khatga.

[No. F. 11/12/69-FC.]

एस० ओ० 184.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उपनियम (2) तथा नियम 8 के उपनियम (3) के साथ पठित 9 के उपनियम (3) द्वारा दिए गए अधिकारों का प्रयोग करते हुये, केन्द्रीय सरकार ने एतद्वारा निम्नलिखित सदस्यों को 1-1-1970 से 31-3-1970 तक केन्द्रीय फिल्म सेंसर बोर्ड के बम्बई सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है :—

1. प्रोफेसर टी० वी० रामानुजम
2. प्रोफेसर जी० सी० झला
3. श्री अरुण कौल
4. प्रोफेसर मूर्ली ठाकुर
5. श्री जी० के० दूतिया
6. श्री ललित कुमार मलराज खटाऊ

[11/12/69-एफ० सी०]

S.O. 185.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Smt. R. Shamanta after consultation with the Central Board of Film Censors, at Madras with effect from 1st January, 1970 to 31st March, 1970.

[No. F. 11/10/69-F(C).]

एस० प्रो० 185.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उपनियम (2) तथा नियम 8 के उपनियम (3) के साथ पठित नियम 9 के उपनियम (3) द्वारा दिए गए अधिकारों का प्रयोग करते हुये, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करके एतद्वारा श्रीमती आर० शमन्ता को 1-1-70 से 31-3-70 तक केन्द्रीय फिल्म सेंसर बोर्ड के मद्रास सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है ।

[सं० फा० 11/10/69-एफ० सी०]

S.O. 186. In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints the following persons as a member of the Advisory Panel of the Central Board of Film Censors at Calcutta with effect from 1st January, 1970 to 31st March, 1970.

1. Smt. Asha Purna Debi.
2. Smt. Rita Ray.

[No. F. 11/9/69-F(C).]

एस० प्रो० 186.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उपनियम (2) तथा नियम 8 के उपनियम (3) के साथ पठित नियम 9 के उपनियम (3) द्वारा दिए गए अधिकारों का प्रयोग करते हुये, केन्द्रीय सरकार ने एतद्वारा निम्नलिखित व्यक्तियों को 1 जनवरी, 1970 से 31 मार्च, 1970 तक केन्द्रीय फिल्म सेंसर बोर्ड के कलकत्ता सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है :—

1. श्रीमती आशा पूर्णा देवी
2. श्रीमती रीता राय ।

[सं० फा० 11/9/69-एफ० सी०]

S.O. 187.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Smt. Raji Rangachari, as a member of the Advisory Panel, Central Board of Film Censors at Madras with effect from 1st January, 1970 to 31st March, 1970.

[No. F. 11/10/69-F(C).]

एस० प्रो० 187.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उपनियम (2) तथा नियम 8 के उपनियम (3) के साथ पठित नियम 9 के उपनियम (3) द्वारा दिए गए अधिकारों का प्रयोग करते हुये, केन्द्रीय सरकार ने एतद्वारा श्रीमती राजी रंगाचारी को 1-1-70 से 31-3-70 तक केन्द्रीय फिल्म सेंसर बोर्ड के मद्रास सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है ।

[सं० फा० 11/10/69-एफ० सी०]

S.O. 188.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints following members as a member of the Advisory Panel of the Central Board of Film Censors, at Bombay with effect from 1st January, 1970 to 31st March, 1970.

1. Smt. Kamala Tilak.
2. Shri Bhogilal Chimanlal Shah.

[No. 11/12/69-F(C).]

K. K. KHAN, Under Secy.

एस० ओ० 188.—चलचित्र अधिनियम, 1952 की धारा 5(1) और चलचित्र (सेंसर) नियमावली, 1958 के नियम 9 के उपनियम (2) तथा नियम 8 के उपनियम (3) के साथ पठित 9 के उपनियम (3) द्वारा दिए गए अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने एतद्वारा निम्नलिखित सदस्यों को 1-1-1970 से 31-3-1970 तक केन्द्रीय फिल्म सेंसर बोर्ड के बम्बई सलाहकार मण्डल का फिर से सदस्य नियुक्त किया है :—

1. श्रीमती कमला तिलक
2. श्री भोगी लाल चिमन लाल शा ।

[सं० 11/12/69-एफ०सी०]

के० के० खान, अवर सचिव ।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour & Employment)

New Delhi, the 6th January 1970

S.O. 189.—In exercise of the powers conferred by sub-section (1) of section 3 of the Tea Districts Emigrant Labour Act, 1932 (22 of 1932) the Central Government hereby appoints Shri H. S. Bajray, Deputy Secretary to the Government of Assam, Labour Department, to be the Controller of Emigrant Labour, Shillong, with effect from 1st October, 1968, *vice* Shri H. Rahman, retired from the service of the Government of Assam with effect from the 30th September 1968. Shri H. S. Bajray shall in addition continue to be the Deputy Secretary to the Government of Assam in the Department of Labour.

[No. 36/3/67-Fac. I.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th January 1970

S.O. 190.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1277, dated the 24th March, 1969—

In the Table annexed to the said Notification.—

after Serial No. 26 and the entries relating thereto, the following Serial No. and entries shall be inserted, namely:—

1	2	3
"26A	Assistant Labour Commissioner (Central), Kota.	The States of Rajasthan and Gujarat."

[No. F. 1/1/70-LRI.]

New Delhi, the 9th January 1970

S.O. 191.—Whereas a vacancy has occurred in the office of the presiding officer of the Labour Court (No. 2), Dhanbad, constituted by the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1697, dated the 22nd May, 1965;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri R. A. Misra, as the presiding officer of the said Labour Court, with effect from the 1st December, 1969.

[No. 1/90/69-LRI-(i).]

S.O. 192.—Whereas a vacancy has occurred in the office of the presiding officer of the Industrial Tribunal, Dhanbad constituted by the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 103, dated the 11th January, 1960;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri R. A. Misra as the presiding officer of the said Industrial Tribunal, with effect from the 1st December, 1969.

[No. 1/90/69-LRI-(ii).]

ORDERS

New Delhi, the 12th January 1970

S.O. 193.—Whereas the applications under sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947) specified in the Schedule annexed hereto are pending before the Labour Court, Jabalpur, constituted by the Notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 441, dated the 29th January, 1965;

And whereas for the ends of justice and convenience of the parties the said applications should be disposed of by the Labour Court, Jabalpur, with Shri G. C. Agarwala as the Presiding Officer;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said applications pending before the said Court and transfers the same to the Labour Court No. 2, Jabalpur, constituted by the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2748, dated the 6th September, 1966, with Shri G. C. Agarwala as Presiding Officer and directs that the said Court shall proceed with each of the said proceedings from the stage at which it is transferred and dispose of the same according to law.

SCHEDULE

S1.	Case No.	Name of the parties	
	No.		
1	2	3	
1	129/65	Mehtab Singh	Vs. Pench Valley Coal Co.
2	132/65	Jhanka	Do.
3	134/65	Kashi Ram	Do.
4	135/65	Nathoo	Do.
5	136/65	Sital Prasad	Do.
6	137/65	Bafati	Do.

1	2	3
7	138/65	Ammoo
8	139/65	Kishan
9	140/65	Babulal Gudawal
10	141/65	Roshan
11	142/65	Gaya Prasad
12	143/65	Ram Prasad
13	144/65	Udichand
14	145/65	Abirchand
15	146/65	Bishan
16	147/65	Kaloo Ram
17	148/65	Tula Ram
18	149/65	Laxman
19	150/65	Jageshwar
20	151/65	Chunka
21	152/65	Sheodani
22	153/65	Ram Prasad
23	154/65	Tanbe
24	155/65	Bhaiyalal
25	156/65	Jangaliya
26	157/65	Tularam
27	158/65	Chaitram
28	159/65	Sardar
29	160/65	Kamloo
30	161/65	Babulal
31	162/65	Chhote Beg
32	163/65	Damroolal
33	164/65	Durjan
34	165/65	Shankarlal
35	30/65	to
	40/65	Mangoo and others
46	375/65	Gayarsi
47	388/65	Baburao
48	398/65	Smt. Nalniya
49	419/65	Smt. Himiya
50	420/65	Bhujbal
51	421/65	Smt. Bahce
52	422/65	Gandiya
53	423/65	Smt. Kastura
54	424/65	Smt. Mughali
55	425/65	Smt. Sukarti
56	426/65	Smt. Kunwariya
57	427/65	Smt. Fulla
58	428/65	Smt. Gaura
59	429/65	Smt. Kala
60	430/65	Smt. Sarman
61	431/65	Smt. Batariya
62	432/65	Smt. Parhati
63	433/65	Smt. Kunji
64	434/65	Smt. Puniya
65	435/65	Smt. Fagrii
66	436/65	Smt. Makholi
67	437/65	Smt. Bajjoo
68	438/65	Smt. Fuliya
69	439/65	Smt. Itwariya
70	440/65	Smt. Narbadiya
71	441/65	Smt. Agasia
72	442/65	Smt. Ramwati
73	443/65	Shri Sumera
74	444/65	Shri Sumera
75	445/65	Babulal
76	446/65	Shri Maroo
77	447/65	Smt. Chhoti
78	448/65	Chintaman
79	449/65	Gubari
80	454/65	Smt. Sukhmarti

I	2	3
81	386/65	Shri Heda
82	382/65	Shri Siddooram
83	392/65	Shri Hari Prasad
84	381/65	Shri Charan
85	391/65	Shri Khanpati
86	390/65	Shri Danna
87	281/65	Shri Tantu and others
	to	
	299/65	
106	380/65	Shri Biharilal
107	383/65	Shri Makkhoo
108	384/65	Shri Ladhoo
109	385/65	Shri Prasadi

[No. F. 1/3/70-LR.I.]

S.O. 194.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma as Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the Management of the Punjab National Bank was justified in transferring Shri S. R. Sachdeva, Clerk-cum-godown keeper from Beawar to Nadbai? If not, to what relief is he entitled?

[No. 23/81/69/LR.III.]

S.O. 195.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Central Bank of India, Parliament Street, New Delhi was justified in terminating the services of Shri Reoti Saran Aggarwal, Assistant Cashier, Delhi Shahdra Branch with effect from the 20th June, 1968? If not, to what relief is he entitled?

[No. 23/71/69/LR.III.]

S.O. 196.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Indian Overseas Bank, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Thiru S. Swamikkannu as its Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether Sarvashri D. Sivalingam and M. Ponnuswamy, drivers of the cars provided by the Indian Overseas Bank to Sarvashri S. V. Sundaram and M. V. Bhat, Assistant General Managers of the Bank are entitled to be absorbed in the regular services of the bank? If so, from what date?

[No. 23/80/69/LRIII.]

CORRIGENDUM

New Delhi, the 9th January 1970

S.O. 197.—In the Schedule to the Order of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), S.O. 5036, dated the 17th December, 1969 published in Part II, Section 3, Sub-section (ii), of the Gazette of India, dated the 27th December, 1969—for “14th March, 1966”, read “14th March, 1969”.

[No. 23/87/69/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th January 1970

S.O. 198.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Goenka Kajora Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 30th December, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 71 OF 1969

PARTIES:

Employers in relation to the management of Goenka Kajora Colliery.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri T. D. Tripathi, Agent.

On behalf of Workmen—Sri Benarshi Singh Azad, General Secretary, Khan Shramik Congress.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/40/69/LRII, dated August 14, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Goenka Kajora Colliery and their workmen, to this Tribunal, for adjudication, namely:

“Whether the management of Goenka Kajora Colliery, Post Office Ukhra, District Burdwan, was justified in stopping Shri Durga Singh, Chaprasi, from work, with effect from 9th August 1968 and if not, to what relief the workman is entitled?”

2. The workman represented by the Khan Shramik Congress filed a written statement. It was therein pleaded that the workman was a permanent and regular workman under Goenka Kajora colliery for a long time without any blemish whatsoever. He had, it was alleged, taken part in the organisation of a trade union

in the colliery and that displeased the management. The displeasure of the management was revealed by stopping the workman from work with effect from August 9, 1968, without any notice and without any reason. The workman and the trade union both approached the management against the wrongful stoppage of work but to no effect. In these circumstances, the workman prayed for reinstatement in his former job as Chaprasi, with full back wages for the period of forced unemployment.

3. The management also filed a written statement. It was therein denied that Durga Singh had been working in the colliery as a Chaprasi or in any other capacity and as such the question of stopping him from work with effect from August 9, 1968 or on any other date did not arise. It was categorically denied that Durga Singh had worked at the colliery at any time. In paragraph 10 of the written statement, it was stated that the management did repeatedly inform the trade union as well as to the Assistant Labour Commissioner (C) that Durga Singh was not a workman of the colliery.

4. The only question that falls for my determination is, therefore, whether Durga Singh was at all employed as Chaprasi in Goenka Kajora colliery. If he was not, then the question of stoppage of his work and grant of any relief to him for forced unemployment will not arise for consideration.

5. Durga Singh himself gave evidence. He admitted that he received no appointment letter. He however stated that he received his payment through the salary book of the company which contained the names of other Chaprasis as well. In proof of the fact that he was a chaprasi he stated:

"My work was stopped with effect from August 9, 1968. When I was stopped from working I asked the Manager of the colliery as to the reason therefor. He replied that in as much as I was fond of Union activities, the company decided to stop me from working. Nageswar, a machine driver was by chance present in the Manager's office when I called on the Manager. I had a certificate from a Doctor. I went to the Manager to have the certificate countersigned. He did not countersign the certificate and stated that I would not get any wages for the period of leave covered by the certificate. This is that certificate signed by Dr. S. K. Singh. The doctor Sahib came to know about my position in the Goenka Kajora Colliery from an introduction letter given to me by the management. (Doctor's certificate marked Ext. A)."

Thus, in corroboration of his own statement that he used to work as a chaprasi in Goenka Kajora colliery there is Certificate (Ext. A) granted by the Central Government dispensary and the verbal evidence of Nageswar, Machine Driver, who claimed to be present at the manager's office when, he alleged that he was making protests against his illegal stoppage of work. The certificate Ext. A reads:

"This is to certify that Sri Durga Singh Chaprasi employee of Goenka Kajora Colliery was suffering from Cough.

He was under the treatment of this Dispensary from 4th July 1968 to x. His P. R. No. was 3187.

Now he is fit to resume his duty."

The dispensary is an Ayurvedic dispensary and the Doctor is an Ayurvedic practitioner. To the question as to how the doctor came to know about his position as an employee under Goenka Kajora Colliery, Durga Singh replied that the Doctor Sahib had come to know about his position in the colliery from an introduction letter given to him by the management. That introduction letter, however, was not called for and no attempt was made for its production.

6. Nageswar Prasad in his evidence stated:

"I know Durga Singh. He was a Chaprasi for the last 3 or 4 years. I know that Durga Singh was stopped from working. I do not however remember the date. I was present in the room of the Manager when Durga Singh came to complain about the stoppage of his work. I heard him say that since Durga Singh was engaged in Union activities he would not get work. I was the only other person who was present in the Manager's room at the time when Durga Singh was complaining."

In his cross-examination he said:

"My work had once previously been stopped for misconduct. Through efforts of Khan Shramik Congress and at the intervention of the R.L.C. (C), Ranigani, I was reinstated. I was stopped from work earlier than

the time when Durga Singh was stopped from work. My duty on the date when I went to Manager's office was from 12 to 8 but I went to Manager's office to take Kerosene oil required for cleaning machine."

According to Durga Singh, he himself, (a) did not receive any appointment letter, (b) did not receive any leave pass whenever he went on leave, (c) was never allotted any slip containing his Provident Fund number, (d) Bonus card issued to him was forcibly taken away from his quarters along with his other belongings there. After his dismissal, Durga Singh appears to have written to the Manager of Goenka Kajora Colliery the following letter (Ext. B):

"With due respect and humble submission I beg to state that I am working as a Chaprasi in your colliery since long. But sorry that you have stopped my work from 9th August 1968 without any notice and without any reason. I have approached before you and requested you verbally for my job but you did not care. I am therefore bound to approach before you in written Regd. letter. Hence this type of wrongful stoppage of work without any notice and without any reason is quite illegal, unfair and unjust in natural justice.

So you are requested to look towards the fact and please try to reinstate me with the full back wages for my non-employment period and oblige."

This is the totality of the oral and documentary evidence on which the workman wants to establish his appointment under the Goenka Kajora Colliery.

7. The management tried to disprove the case of the workman by production of Form B registers both for Pits No. 1 & 2 and Pits No. A & B of Goenka Kajora Colliery for the year 1967-68 (Exts. 1 and 2). It is no doubt true that the said forms do not contain the name of Durga Singh. The management also relied upon a book called Establishment Account for the year 1967-68 (Ext. 3) showing that the pay-sheets also did not contain the name of Durga Singh.

8. Narayan Misra, Personnel Officer of Goenka Kajora Colliery gave evidence to prove the documents. As was expected, he said that Durga Singh was never an employee of Goenka Kajora colliery. In his examination-in-chief he stated:

"This is the Form B Register for 1 & 2 Pits of monthly paid staff for 1967-68. It does not contain the name of Durga Singh (marked Ext. 1). This is the Form B Register for the same period in respect of A & B Pits. This also does not contain the name of Durga Singh (Register marked Ext. 2). This is the salary sheet for the year 1967-68 in respect of monthly paid staff. It does not contain the name of Durga Singh (Register marked Ext. 3)."

In his cross-examination, however, he made the following further statement:

"Form B one volume is for 1 & 2 pits and another volume for A & B pit. The salarysheet is for both the pits A & B and 1 & 2. I have not brought the registers of non-monthly paid workmen. In Ext. 2 in the later portion the names of some weekly paid workmen are also written. We are at liberty to maintain one volume of Register for both monthly and weekly paid workmen. Ext. 2 contains upto Sl. No. 84 of monthly rated workmen, then some pages are left blank and then weekly rated workmen begin from Sl. No. 169. I have not produced the register of weekly paid workmen bearing No. 85 to 168 before this Tribunal."

I have examined form B Registers very carefully and I am not impressed that they were being regularly kept. Sub-section (3) of Section 48 of the Mines Act, 1952 provides:

"(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register."

If this Rule is followed, as it must be, then the Form B register shall be maintained according to seniority, because as soon as a man enters service his name shall be entered in the Register and the name of the man entering service thereafter shall follow the earlier one. If I look to Ext. 1, I find that after the name in Sl. No. 2 whose date of commencement of employment is February 1962, there is the name at Sl. No. 5 whose date of employment is March 1961, and Sl. No. 9 whose date of employment is April 1953 and Sl. No. 11 whose date of employment is May 1947. Form B Registers do not, therefore, appear to me to have been regularly or properly kept and the non-inclusion of somebody's name therein may be explicable on the theory of such irregularity or omission or inadvertance. Then again, there are

some blank pages left and the register is a mixed up register of monthly paid and non-monthly paid workmen, for all at those reasons, I attach little value to Exts. 1 and 2, Ext. 3 is, however, a more reliable document and therein, of course, the name of Durga Singh does not appear. This is the totality of evidence on which I have to draw my conclusion.

9. Now, however clumsily the records of the employer have been maintained, the workman claiming that he was employed under Goenka Kajora Colliery has to prove that he was at all employed at the colliery. He has miserably failed there. The evidence of Nageswar Prosad did not impress me and I do not make much of that. The description of Durga Singh as Chaprasi of Goenka Kajora Colliery in Ext. A may be explicable on other theories than the theory that on the story told by Durga Singh that the Doctor Sahib got the information from an introductory letter granted by the management. There is evidence that the Government dispensary treats patients who are not employees in any colliery at all.

10. In these circumstances, I hold that the workman Durga Singh has failed to prove his case and he is not entitled to any relief.

This is my award.

Dated, December 24, 1969.

(Sd.) B. N. BANERJEE,

Presiding Officer.

[No. 6/40/69-IRII.]

S.O. 199.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Kendra Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited, Post Office Pandavaeshwar, District Burdwan and their workmen which was received by the Central Government on the 1st January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 70 OF 1969

PARTIES:

Employers in relation to the management of Kendra Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri G. S. Sen Gupta.

On behalf of Workmen—Sri D. K. Ghosh.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/50/69-LRII, dated August 27, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Kendra Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited and their workmen, to this Tribunal, for adjudication, namely:

“Whether the management of Kendra Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited, Post Office Pandavaeshwar, District Burdwan was justified in dismissing Shri Nil Ratan Sarkar, Assistant Store Keeper from his service from 6th February, 1968? If not, to what relief he is entitled?”

2. The management filed a written statement. It appears from the written statement that the concerned workman, namely, Nil Ratan Sarkar, was not employed as a workman in the Kendra Colliery, as stated in the order of Reference

but was employed as an Assistant Store Keeper at the Central Stores. His date of appointment was said to be May 12, 1947. His duties included, it was said, supervision of issue of materials from the stores. In course of his duties, he issued, on March 15, 1967, eight galvanised corrugated sheets to the Building Supervisor for boring operation at Ramnagar Colliery No. 2 Pit and P.R.S. Nair of the Building Department was said to have received these sheets. Later on, by a letter dated October 6, 1947, Nil Ratan Sarkar complained that the sheets had not been returned to the stores. On the basis of the aforesaid letter, P. R. S. Nair was charged with misappropriation of the sheets and a departmental enquiry was started against him. As a result of the enquiry it appeared that Nair had no hand in the misappropriation of the galvanised sheets and that a prima facie case was found to have been made out against Nil Ratan Sarkar and another person of the name of Shankar Gope. Accordingly, Nil Ratan Sarkar, the concerned workman and Shankar Gope, the other person, were charged with misappropriation by chargesheets, dated January 2, 1968. The chargesheet mentioned above (Ext. 1) reads:

"From an enquiry held into a chargesheet dated 20th October 1967 issued to Shri P. R. S. Nair, Building Supervisor it has come out that 8 pieces of corrugated sheets issued on loan to Shri Ram Surat Mishra later taken charge by P. R. S. Nair for bore hole purposes at Ramnagar Colliery were duly returned to you by the Building Mazdoors on or about the 11th of July 1967 under the instruction of Shri Nair; but that you did not make entries of this return in the Store records, nor did you give any receipt therefor or return slip. These corrugated sheets are not found in the Stores and it is suspected that you have in collusion with others misappropriated the same throwing the blame on Shri P. R. S. Nair. You are charged under Clause 18(a) of the Standing Orders."

There was an enquiry held into the charge by V. S. Prasad, Labour Officer, on January 25, and January 30, 1968, in which the workmen charged with misconduct appeared with his co-worker one S. K. Chatterjee. In paragraphs 15 and 16 of the written statement filed by the management, it is stated that the charged workmen were given full opportunity to cross-examine the witnesses examined by the management and to defend themselves. That the misconduct was established and thereupon he was dismissed from service on February 6, 1968.

3. The workman represented by the Colliery Mazdoor Sabha also filed a written statement. He does not deny that he was working at the Central Stores but he says that he joined his service in the year 1943. Little, however, turns on the date of his appointment. In paragraphs 4, 5 and 6 of the written statement it is stated as follows:—

"4. There is a practice in the Central Stores to issue materials on loan to the collieries and after a job is completed the material is returned to Central Stores. In such cases, when the material is returned through any worker the Central Stores acknowledges in writing the return of such material.

5. For a particular work at Ramnagar Colliery, the Central Stores issued materials on loan, the details of which are given below:

Date of issue	Material	Quantity	Persons to whom issued
15-3-67	Galvanised Corrugated Sheets.	8 pieces	R. S. Mishra
27-7-67	-do-	4 "	L. G. Dass

While Shri L. G. Das, Head Surveyor, personally returned the 4 pieces sheets, the aforesaid 8 pieces sheets were not returned. With regard to 4 pieces sheets, no written acknowledgement was given as Shri Das personally had the materials delivered to the Central Stores.

6. When several months passed, Shri Sirkar informed the Chief Store Keeper that the 8 pieces of corrugated sheets had not been returned to the Stores. The Chief Store Keeper asked him to report the matter to the Chief Administrative Officer. Shri Sirkar, accordingly, informed the Chief Administrative Officer by a letter dated 6th October 1967."

4. Now, if the grievances made in paragraph 9 of the written statement be summarised they come under three broad heads. Firstly, the recording of the

evidence should not have been done in Hindi which the concerned workman did not understand. Secondly, he should have been allowed to produce his own witnesses in his defence and thirdly he should have been allowed to cross-examine the prosecution witnesses. The third grievance is considerably minimised by the workman himself when he says in his evidence,

"Excepting Ram Pukar I cross-examined all other witnesses examined by the employers."

So far as Ram Pukar is concerned, the workman stated:

"I know S. K. Chatterjee. He is Receipt clerk in the Store Department. I took him at the enquiry to cross-examine the witnesses on my behalf. He cross-examined Ram Pukar on Shankar's behalf. S. K. Chatterjee did not cross-examine any witness on my behalf. When Ram Pukar was cross-examined by S. K. Chatterjee on behalf of Shankar Gope, I was not allowed to cross-examine, I prohibited S. K. Chatterjee from further cross-examination."

The enquiry officer, V. S. Prasad, was also cross-examined on this point and he gave the following answer:

"Exam. in chief contd."

The delinquent Nilratan Sarkar cross-examined all the witnesses produced by the management excepting Rampukar.

To Tribunal

Ques: Why did he not cross-examine Rampukar.

Ans : Because he declined.

Ques: Is that noted on the deposition sheet?

Ans : No.

Ques: Why not?

Ans : That is a mistake.

Exam. in chief contd.

S. K. Chatterjee cross-examined Rampukar on behalf of Nilratan Sarkar and Sankar Gope as well.

To Tribunal

Thereafter Sankar Gope separately asked for opportunity to cross-examine. I granted him that extra-opportunity. Nilratan Sarkar did not ask for extra opportunity. Therefore cross-examination by Nilratan Sarkar declined was not recorded by me. I do not remember whether cross-examination of other witnesses was conducted by Nilratan Sarkar personally or by S. K. Chatterjee on his behalf.

Ques: Is there any particular reason for you to remember that the extra opportunity to cross-examine Rampukar was not asked by Nilratan Sarkar, when as a matter of fact you remember so little about the cross examination of other witnesses produced by the management?

Ans: I was sitting here when the discussion about Rampukar took place. Then I thought over the matter and remember that I should say this."

The conduct of the workman was strange in regard to cross-examination of Rampukar. Moreover, I find that this witness may not be a very truthful witness. His own representative R. Das Gupta, whom I had to examine in another context, characterised him as speaking untruthfully. Therefore, I do not make much of the last grievance although it would have been better for the enquiring officer to have given the same opportunity to both the workmen.

5. I now turn to the first grievance made by the concerned workman. The evidence taken at the departmental enquiry is marked before me as Ext. L. It appears therefrom that the evidence was taken down, in the main, in Hindi although there were some portions also taken down in English (see, for example, statements made by L. G. Das). In Ext. 4, letter dated January 26, 1968, the concerned workman had made complaint in writing against recording of depositions in Hindi:

"As per your above letter I along with co-worker appeared in the enquiry. But my witness were not allowed. I requested enquiry officer to conduct the enquiry in Bengali or English. But it was rejected. Enquiry

was held in Hindi language which I and my co-worker do not understand, read or write. I wanted some of the stores and office records to be produced in the enquiry. But Enquiry Officer took the side of management and rejected my request. And moreover enquiry was not read over to us.

Hence natural justice was denied to me. So I record my strong protest against the unjust action of the enquiry officer and improper enquiry."

The enquiry was being conducted by an English knowing person. Therefore, by recording the evidence in Hindi he was acting to the disadvantage of the concerned workman.

6. With regard to the second grievance, I find that he had made no such objection in Ext. 4 V. S. Prasad in his evidence stated :

"Sarkar did not also examine the Chief Store Keeper before me. He examined one witness of his own of the name of Ram Sarikh Singh a Chaprasi."

He was not cross-examined on this point on behalf of the workman. The workman in his evidence stated:

"I know Ram Sarikh Singh. He is a Chaprasi in the colliery. I did not take him to depose before the enquiring officer on my behalf. He did not depose entirely against me but he made a statement himself."

I have every reason to believe that the workman charged with misconduct himself called one Ram Sarikh Singh as his witness and he was examined.

7. Although this may be the position, the workman must succeed on another ground. L. G. Das, Head Surveyor, was examined on behalf of the management at the departmental enquiry. He made the following statement:

"I have already given my statement in respect of this incident and in this enquiry I have to state the same. I have to add nothing more than that. You may read my that statement in this enquiry also. I read over the statement of Sri L. G. Das which was recorded by me on 24th November 1967 and is deemed to be recorded here. Regarding the four corrugated sheets issued to the boring man along with other some materials on loan were all deposited in the stores. While these materials were being carried by our men (coolies) accompanied by boring men into the stores I had seen it."

Towards the close of the evidence this witness was recalled and the following further statement was recorded:

"At this stage Sri L. G. Das was called in and he denied that the sheets were issued to Ram Sarikh Singh. Then I with the charge sheeted person visited the quarter of Sri Ram Sarikh Singh and found his quarter thatched with old and rested corrugated sheets. The sheets reported to be stolen were new sheets which the charge sheeted person themselves reported."

Admittedly no copy of the previous statement made by L. G. Das was supplied to Nil Ratan Sarkar, the concerned workman. The statement was merely read over. L. G. Das was cross-examined on what Nil Ratan Sarkar heard of the statement. When L. G. Das was recalled there was no further opportunity for cross-examination. On this point, V. S. Prasad the enquiring officer states:

"I recalled L. G. Das to give evidence once again. This time I did not ask the delinquents to cross-examine him again. They also did not expressly desire to cross-examine him over again. I did not note that they declined the cross-examination"

8. Now, the law on the point is as stated by the Supreme Court in several decisions and lastly summarised in the case of *Central Bank of India v Prakash Chandra Jain*, (1969) II L.L.J., 377 at page 383 ff:

"In the case of *Khardah and Co. Ltd. v its workmen* (1963) III L.L.J.: 452 this aspect was noted by this Court as follows at pp. 455-56:

"...Normally, evidence on which the charge are sought to be proved must be led at such an enquiry in the presence of the workman himself. It is true that in the case of departmental enquiries held against public servants, the Court has observed in *State of Mysore and others v. Shrivabasappa Shivappa* (1964) I L.L.J. 21, that if the deposition of a witness has been recorded by the enquiry officer in the absence of the public servant and a copy thereof is given to him, and an

opportunity is given to him to cross-examine the witness after he affirms in a general way the truth of his statement already recorded, that would conform to the requirements of natural justice; but as has been emphasized by this Court in *Kesoram Cotton Mills Ltd. v. Gangadhar and others* (1963) II L.L.J. 371, these observations must be applied with caution to enquiries held by domestic tribunals against the industrial employees. In such enquiries it is desirable that all witnesses on whose testimony the management relies in support of its charge against the workman should be examined in his presence. Recording evidence in the presence of the workman concerned serves a very important purpose. The witness knows that he is giving evidence against a particular individual who is present before him; and therefore, he is cautious in making his statement. Besides, when evidence is recorded in the presence of the accused person, there is no room for persuading the witness to make convenient statements, and it is always easier for an accused person to cross-examine the witness if his evidence is recorded in his presence. Therefore, we would discourage the idea of recording statements of witnesses *ex parte* and then producing the witnesses before the employee concerned for cross-examination after serving him with such previously recorded statements, even though the witnesses concerned make a general statement on the latter occasion that their statements already recorded correctly represent what they stated..’ (italicized by me for emphasis).

“In the case of *Kesoram Cotton Mills Ltd. v. Gangadhar and others* (1963). II L.L.J.: 371 (*vide supra*) referred to in the quotation above, it was held at pp 379-380:

‘.. Even so, the purpose of rules of natural justice is to safeguard the position of the person against whom an inquiry is being conducted so that he is able to meet the charge laid against him properly. Therefore, the nature of the inquiry and the status of the person against whom the inquiry is being held will have some bearing on what should be the minimum requirements of the rules of natural justice. Where, for example, lawyers are permitted before a Tribunal holding an inquiry and the party against whom the inquiry is being held is represented by a lawyer, it may be possible to say that a mere reading of the material to be used in the inquiry may sometimes be sufficient: see *New Prakash Transport Company v. New Suverna Transport Company* (1957) S.C.R. 98, but where in a domestic inquiry in an industrial matter lawyers are not permitted, something more than a mere reading of statements to be used will have to be required in order to safeguard the interest of the industrial worker. Further, we can take judicial notice of the fact that many of our industrial workers are illiterate and sometimes even the representatives of labour union may not be present to defend them. In such a case, to read over a prepared statement in a few minutes and then ask the workmen to cross examine would make a mockery of the opportunity that the rules of natural justice require that the workmen should have to defend themselves. It seems to us, therefore, that when one is dealing with domestic inquiries in industrial matters, the proper course for the management is to examine the witnesses from the beginning to the end in the presence of the workman at the enquiry itself. Oral examination always takes much longer than a mere reading of a prepared statement of the same length and brings home the evidence more clearly to the person against whom the inquiry is being held. Generally speaking, therefore, we should expect a domestic inquiry by the management to be of this kind. 2. (italicized by me for emphasis).

Proceeding further the Court held at p. 380:

‘.. The minimum that we shall expect where witnesses are not examined from the very beginning at the inquiry in the presence of the person charged, is that the person charged, should be given a copy of the statements made by the witnesses which are to be used at the inquiry well in advance before the inquiry begins and when we say that the copy of the statements should be given well in advance, we mean that it should be given at least two days before the inquiry is to begin. If this is not done and yet the witnesses are not examined in-chief fully at the inquiry, we do not think that it can be said that principles of natural justice which provide that the person charged

should have an adequate opportunity of defending himself are complied with in the case of a domestic inquiry in an industrial matter' (italicized by me)."

Keeping the law in view, I find that there was a two-fold violation of natural justice in the present instant. No copy of the statement made by L. G. Das was supplied to the workman charged with misconduct well in advance and he was not given any opportunity to cross-examine L. G. Das when he was re-examined by the enquiring officer. This vitiates the domestic enquiry. The laws of natural justice have not been observed. The workman has not been given full opportunity to defend himself.

9. In the view that I take, I hold that the management was not justified in dismissing Nil Ratan Sarkar, Assistant Store-keeper from the service from February 6, 1968. He is entitled to reinstatement with full back wages. Liberty is reserved to the enquiring authorities to start proceedings afresh according to law, if so advised.

This is my award.

Dated, December 30, 1969:

(Sd.) B. N. BANERJEE,

Presiding Officer.
[No. 6/50/69-LRII.]

New Delhi, the 7th January 1970

S.O. 200.—Whereas an Industrial dispute exists between the employers in relation to the Samla Govindpur Collieries (Private) Limited, Post Office Pandaveshwar, District Burdwan (hereinafter referred to as the said employers) and their workmen represented by the Colliery Mazdoor Sabha (AITUC), Post Office Asansol, District Burdwan (hereinafter referred to as the union);

And whereas the said employers and the union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on 16th December, 1969

Agreement

Under Section 10A of the Industrial Disputes Act, 1947.

BETWEEN

Name of the parties:

Representing employers.

Shri M. H. Jagani, Managing Director,
Samla Govindpur Collieries (P)
Limited, P. O. Pandaveshwar, Dist.
Burdwan.

Representing workmen.

Shri Sunil Sen, Organising Secretary,
Colliery Mazdoor Sabha, G. T. Road,
P. O. Asansol, Dist. Burdwan.

It is agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. Sharan, Regional Labour Commissioner (C), Asansol.

(1) *Specific matters in dispute:*

"Whether the action of the management of Samla Govindpur Colliery of M/s. Samla Govindpur Collieries (P) Ltd., P. O. Pandaveshwar, Dist. Burdwan (West Bengal) in paying retrenchment compensation to the entitled workmen of the colliery in accordance with the proviso to sub-section (1) of Section 25FFF of the I. D. Act, 1947 consequent upon the closure of Samla Govindpur Colliery with effect from 18th

October, 1969 was justified? If not, to what relief are the workmen concerned entitled?"

- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Employers in relation to Samla Govindpur Colliery of M/s. Samla Govindpur Collieries (P) Ltd., P.O. Pandaveshwar, Dist. Burdwan.

AND

their workmen represented by the Colliery Mazdoor Sabha, G. T. Road, Asansol.

- (iii) Name of the union, if any, representing the workmen in question.

Colliery Mazdoor Sabha, G. T. Road, P.O. Asansol, Dist. Burdwan.

- (iv) Total No. of workmen employed in the undertaking affected.

321

- (v) Estimated number of workmen affected or likely to be affected by the dispute.

96

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of ninety days or within such further time as is entered by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to Arbitrator shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties:

(Sd./-) M. H. JAGANI.

9/12/69

Managing Director, M/s. Samla Govindpur Collieries (P) Ltd.

Representing employers.

(Sd./-) SUNIL SEN,

9/12/69

Organising Secretary, Colliery Mazdoor

Sabha, Asansol.

Representing the workmen.

Witnesses:

1. (Sd./-) Illegible,

9/12/69

2. (Sd./-) Illegible,

9/12/69

Dated, Asansol, the 9th December, 1969.

[No. 8/113/69-LR.II.]

S.O. 201.—Whereas an industrial dispute exists between the employers in relation to the management of New Damagoria Colliery of Messrs New Damagoria Coal Company (Private) Limited, Post Office Salanpur, District Burdwan (hereinafter referred to as the said employers) and their workmen represented by the Colliery Mazdoor Sabha (AITUC), G. T. Road, Asansol, District Burdwan (hereinafter referred to as the union);

And whereas the said employers and the union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 22nd December, 1969.

Agreement

Under Section 10A of the Industrial Disputes Act, 1947

BETWEEN

Name of the parties:

Representing the workmen:

Representing the workmen :

Shri G. C. Jani, Manager, New Damagoria Colliery, M/s. New Damagoria Coal Company (Private) Limited, Post Office Salanpur, Dist. Burdwan

Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha (AITUC), G. T. Road, Asansol.

It is agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. Sharan, Regional Labour Commissioner (C), Asansol :

(i) *Specific matters in dispute :*

"Keeping in view the financial position of New Damagoria Colliery of M/s. New Damagoria Coal Company (Private) Limited, Post Office Salanpur, District Burdwan (West Bengal) and the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India in their Resolution No. WB-16(5)/66 dated 21st July, 1967 what should be the rate of dearness allowance with effect from 1st October, 1969 payable to the workmen employed at New Damagoria Colliery?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Employers in relation to New Damagoria Colliery of M/s. New Damagoria Coal Company (Private) Limited, Post Office Salanpur, District Burdwan.

(iii) Name of the union, if any, representing the workmen in question.

Colliery Mazdoor Sabha (AITUC), G. T. Road, Post Office Asansol, District Burdwan.

(iv) Total No. of workmen employed in the undertaking affected.

625

(v) Estimated number of workmen affected or likely to be affected by the dispute.

625

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of one hundred twenty days or within such further time as is entered by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to Arbitrator shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Witnesses :

1. (Sd./-) Illegible,
18/12/69

2. (Sd./-) H. S. DOSHI,
18/12/69

Dated, the 18th December, 1969.

Signature of the parties:
(Sd./-) G. C. GANI,

18/12/69

Representing the employers:

(Sd./-) SUNIL SEN,

18/12/69

Representing the workmen.

[No. 8/117/69-LRIL.]

S.O. 202.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Chora Colliery No. 7 and 9 Pit, Post Office Chora, District Burdwan and their workmen, which was received by the Central Government on 2nd January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 66 of 1969

PARTIES:

Employers in relation to the management of Chora Colliery No. 7 and 9 Pit.
AND
Their workmen

PRESENT:

Sri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers } Absent.
On behalf of Workmen }

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6(18)/69-LR.II, dated August 22, 1969, the Government of India, in the Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Chora Colliery No. 7 and 9 Pit and their workmen, to this Tribunal, for adjudication, namely:

“Whether the management of Chora Colliery, No. 7 and 9 Pit, Post Office Chora, District Burdwan was justified in awarding punishment of suspension without wages from 30th December 1968 to 7th January 1969 to the following workmen:—

- | | |
|-----------------------------|-----------|
| 1. Shri Bhagwati Passi | .. Loader |
| 2. Shri Banshi Passi | .. Loader |
| 3. Shri Chottelal Passi | .. Loader |
| 4. Shri Biswanath Rajbhar | .. Loader |
| 5. Shri Raj Narain Rajbhar. | .. Loader |
| 6. Shri Gaidlal Passi | .. Loader |
| 7. Shri Bisram Passy | .. Loader |
| 8. Shri Motilal Passy | .. Loader |
| 9. Shri Ganesh Harijan | .. Loader |
| 10. Shri Banshi Bhar | .. Miner |

If not, to what relief are these workmen entitled?”

2. The employers in relation to the management of Chora Colliery No. 7 and 9 Pits are of late adopting a somewhat discourteous attitude towards this Tribunal. In Reference No. 72 of 1969, which I disposed of only on December 18, 1969, they did not appear on the date of peremptory hearing and I had to dispose of the case in their absence. This time their behaviour is worse. An application said to be signed by one Mr. S. K. Bhattacharjee, Advocate, was sent through a Darwan or Peon or somebody of that category, who quite left the same on the table of the Senior Clerk of the office of the Tribunal. In that application he stated:

- “2. That Shri N. L. Singh who looks after this case has fallen very ill and information of this illness has been received early this morning.
3. That unless an adjournment is granted, your petitioner will suffer irreparable loss.
4. That it is understood that the other side has no objection if the adjournment is granted.”

I waited upto quarter past 2 O'clock in the day but nobody appeared to move the application. Nobody also appeared on behalf of the workmen. Since little enthusiasm is being exhibited over the dispute, I feel that the dispute has lost all its vim and vigour. I am not satisfied with what is stated in the application. I am

not sure as to who makes this application and I am also not sure whether this application is without any objection.

3. I therefore reject the application for time and pass a 'no dispute' award in the instant reference.

Sd./- B. N. BANERJEE,

Presiding Officer.

[No. 6/18/69-LRII.]

Dated, December 29, 1969.

S.O. 203. In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bankola Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 1st January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 65 OF 1969

PARTIES:

Employers in relation to the management of Bankola Colliery

AND

Their workmen

PRESENT:

Sri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri S. B. Sanyal, Legal Adviser.

On behalf of Workmen—Sri Rajdeo Singh, President, Bankola Workers Union.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/41/69-LRII, dated August 19, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Bankola Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Bankola Colliery, Post Office Ukhra, District Burdwan was justified in stopping Shri Basir Khan, Guard from work with effect from 21st October, 1968 and if not, to what relief he is entitled?"

2. The workman represented by the President, Bankola Workers' Union, filed a written statement. It was definitely pleaded in the written statement that the concerned workman joined the colliery as a Watchman in 1963 and that he was stopped from working with effect from October 21, 1968 without any notice and without observing the legal formalities. In the background of this type of pleading the prayer should have been for re-instatement with back wages but the prayer was, however, couched in the following language:

"That the honourable Tribunal will be pleased to pass an award holding that the non-employment of Shri Basir Khan w.e.f. 21-10-68 by the employers of Bankola colliery is unjustified and so also he should not be transferred to any other colliery with a view to save him from victimisation and harassment due to his trade union activities. It is further prayed that necessary order will be given for payment of all wages etc to the workman for the period of his non-employment along with cost of the reference." (Italicized by me for emphasis).

3. The management filed a written statement. In that written statement it pleaded:

"(4) That the correct facts in relation to the subject matter of reference are as follows:

(a) That on 15-10-1968 Sri Basir Khan was asked by the Management to report to Cost-Controller at Sijua for duties and he was asked to do so by 21-10-1968 positively,

- (b) That Sri Basir Khan having not reported to duty either on 21-10-1968 or thereafter at Sijua and the management having been so reported by the Cost Controller, Sijua, he was again advised in writing on 1-11-1968 to comply with the instruction given to him earlier to report to Sijua Controller within 7 days of the receipt of the said letter which was posted under certificate of posting.
- (c) That Sri Basir Khan was advised to report at Sijua at the request of the Cost Controller, as he needed a man and the Colliery could spare a man without any replacement.
- (d) That this transfer was effected in the interest of administration and not for any other reason inasmuch as the Colliery had surplus hand and there was a need of similar hand elsewhere in the same Company.
- (e) That under the certified Standing Order, all workmen are liable to be transferred from one Colliery to other in the same Company and in the past also transfers of this kind have been made from this Colliery to other Colliery and *vice versa*.
- (f) That the concerned workman refused to go to Sijua as instructed and instead raised an illegal dispute of stoppage of work at Bankola. It may be stated here that the concerned workman had not thereafter rendered any service either at Bankola or at Sijua.
- (g) That the management is not aware that the concerned workman is at all member of any Union and or unions and/or office bearer of any Union and/or Unions."

In paragraph 9 of the written statement it was stated that the workman himself stopped working not that he was stopped from work.

4. On behalf of the management, S. K. Singh, Superintendent of Bankola Colliery, deposed. He said that Basir Khan was working in Bankola colliery but he was transferred to Sijua and he did not go there. In support of the order of transfer he firstly relied on Rule 17 of the Standing Order (Ext. 1) which reads:

"17. *Transfers*.—All workmen are liable to be transferred in the exigencies of work from one department to another or from one station to another or from one coal mine to another under the same ownership provided that by reason of such transfers the wages and other conditions of service of the workmen are not altered to their disadvantage and provided further that reasonable notice is given of such transfers. The workman concerned shall be paid the actual transport charges plus 50 per cent thereof to meet incidental charges."

The order of transfer, according to this witness, was contained in his letter to the concerned workman, dated November 1, 1968 (Ext. 2), the material portion of which is set out below:

"You were advised by the undersigned to go to Sijua and report to the Cost Controller on 21-10-1968 but I am advised by the Cost Controller that you have not yet seen him.

You are finally advised to report to the Cost Controller at Sijua within 7 days of receipt of this letter."

In the examination in-chief he stated:

"Basir Khan was at first verbally told to go on transfer to Sijua. When he did not go there, I issued to him this letter calling upon him to report to the Cost Controller at Sijua."

Questioned by the Tribunal on this letter he stated:

"In the letter itself I did not use the word 'transfer' but I had verbally ordered him to go on transfer. I thought that by asking a man to go to a place and to report to an Officer there, I made sufficient order upon him to go on transfer. I now understand that it was not prudent of me to have passed a verbal order of transfer upon the workman. I cannot give any special reason why this letter instead of being sent by registered post was sent only under Certificate of posting. (Letter marked Ext. 2 and the accompanying certificate of posting is marked 2a)."

Basir Khan also was questioned on his transfer to Sijua. I have quoted the prayer portion of his written statement in which he prayed that he should not be at all

transferred. Cross-examined on the prayer he gave a strange answer which I set out below:

"I do not know what is written in the written statement filed on my behalf. I did not instruct Rajdeo Singh to write in the prayer portion that I should not be transferred to any other colliery with a view to save me from victimisation. Rajdeo Singh must have written these things out of his own head. I am not prepared to go on transfer to Sijua. If I go to Sijua, I shall be murdered. I am alive here because I made several Police diaries."

5. Considering the oral and documentary evidence on this point, I am of the opinion that Ext. 2 is the clumsiest form of an order of transfer but still then it may be understood as such. Regard being had to the answer given by the workman himself, I am not prepared to disbelieve the management's version that he had been ordered verbally to go on transfer to Sijua. I have ascertained from him that he is very much unwilling to go to Sijua. It may just be that he also showed his unwillingness to go to Sijua at the time when the verbal order of transfer had been made upon him.

6. Now, transfer of a workman, as I find, is authorised under the Standing Order which I have hereinbefore quoted. Transfer is a managerial function and a workman, who is liable to transfer, cannot resist it. There are no doubt certain limitations on the power to transfer, for example, nobody can be transferred from one work to another kind of work, from one employer to another employer or to different company. Here I find that the two collieries are units of Barakar Coal Company Ltd. The workman was being transferred to Sijua unit of Barakar Coal Company Ltd. in the same position which he was occupying at Bankola Colliery. He cannot resist this order of transfer excepting at his own peril.

7. S. K. Singh in his evidence before me stated, "We are still prepared to take back the man if he agrees to go to Sijua." Therefore, the workman has not yet been dismissed. Since, in my opinion he cannot resist the order of transfer, I hold and direct as follows:

- (a) The workman has not been stopped from working.
- (b) He is to work at Sijua instead of Bankola.
- (c) He is still now at liberty to go to Sijua and rejoin in the same position there as he was occupying in Bankola.
- (d) If he does so, the management must allow him to work at Sijua without any break in his service, the period of his absence being counted as leave without pay.
- (e) If he fails to join at Sijua, within a month from the date of publication of the award, he will be deemed to have left his service and he will be entitled to no relief whatsoever.

This is my award.

Sd./- B. N. BANERJEE,
Presiding Officer.
[No. 6/41/69-LRII.]

Dated, December 27, 1969.

New Delhi, the 9th January 1970

S.O. 204.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Sarpi Kajora Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 22nd December, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 69 OF 1969

PARTIES:

Employers in relation to the Sarpi Kajora Colliery.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri K. P. Mukherjee, Counsel.

On behalf of workmen—Absent.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/110/66-LR.II dated August 26, 1969, the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the Sarpi Kajora Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the dismissal of the following workmen by the management of the Sarpi Kajora Colliery with effect from the dates shown against them was legal and justified? If not, to what relief are the workmen entitled:—

<i>Name of the workmen</i>	<i>Date of dismissal</i>
1. Shri Kharafatu Harijan, Loader	26th August, 1966.
2. Shri Munshi Bhuiya, Loader	26th August, 1966.
3. Shri Nagina Harijan, Loader	26th August, 1966.
4. Shri Baiju Ram Kahar, S/Trammer	25th August, 1966.
5. Shri Lachman Ram Kahar, S/Trammer	25th August, 1966.
6. Shri Ram Bhuiya, S/Trammer	25th August, 1966.

2. Neither party filed their written statement. On the date fixed for peremptory hearing, the employers appeared through Mr. K. P. Mukherjee, Counsel, but nobody appeared on behalf of the workmen. It is noteworthy that the workmen have ignored notices sent by this Tribunal completely and have shown wholesale non-cooperation with this Tribunal.

3. At the hearing to-day, Mr. Mukherjee appearing for the management, had two compromise petitions settling the dispute between three of the concerned workmen, namely Munshi Bhuiya, Nagina Harijan and Kharafatu Harijan proved. The two compromise petitions were respectively marked Exts. 1 and 2. The substance of the compromise is that on receipt of Rs. 150/- each the workmen gave up their claims for reinstatement. Mr. Acharya, an Officer of Messrs H. Prosad & Co. (P) Ltd., Secretary to Sarpi Kajora Coal Mines (P) Ltd., owners of Sarpi Kajora Colliery gave evidence in this case. He proved the two compromise petitions and also proved the payment of the money mentioned in the two compromise petitions to the three concerned workmen.

4. I am satisfied that the dispute between the workmen Nos. 1, 2 and 3 mentioned in the Order of Reference has been settled between them and the employers and I pass an award in terms of the settlement. Let the two petitions of settlement marked Exts. 1 and 2 form part of this award.

5. So far as workmen Nos. 4, 5 and 6 mentioned in the Order of reference are concerned, they are conspicuous by their absence. I have already stated that they did not respond to any of the notices sent by this Tribunal. They did not file their written statement and did not appear on any of the dates fixed for hearing. Their conduct shows that I have at present no dispute with the management. So far as they are concerned, I pass a 'no dispute' award.

6. In the result, the position is that there will be an award in terms of settlement between the management and the workmen Nos. 1, 2 and 3 (Kharafatu Harijan, Loader, Shri Munshi Bhuiya, Loader and Shri Nagina Harijan, Loader), and there will be a 'no dispute' award between the management and the workmen Nos. 4, 5 and 6 (Shri Baiju Ram Kahar, S/Trammer Shri Lachman Ram Kahar, S/Trammer and Shri Rama Bhuiya, S/Trammer).

This is my award.

Dated, December 15, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 69 OF 1969

PARTIES:

Employers in relation to Sarpi Kajora Colliery,

AND

Their workmen.

The humble petition of the Employers and Sarbasri Kharafatu Harijan, Loader one of the 6 workmen concerned in the above dispute most respectfully sheweth:

1. That the dismissal of the above workmen and of another 5 workmen from the dates mentioned in the schedule of the order of Reference from the Employers Sarpi Kajora Colliery constitutes the subject matter of the dispute in the above case.

2. That the workman named above has since engaged himself in cultivation work in his home in the State of U.P. and he is no longer interested in being reinstated in his former job as a Loader in the Employers Colliery in West Bengal.

3. That the workman approached the Employers for amicably settling the dispute arising out of his aforesaid dismissal and the Employers and the workman concerned named above having agreed to the same they beg to settle their said dispute on the following terms without however admitting the correctness or otherwise of their respective contentions regarding the merit of the dispute under Reference.

Terms of Settlement:—

1. That the above-named workman Kharafatu Harijan hereby gives up his claim for reinstatement in the Employers Colliery and the Employer will have no further obligation to reinstate them.

2. That the Employers have paid to the aforesaid workman the sums mentioned below being equivalent amount payable as compensation in the case of his retrenchment and the workman has individually accepted the same in full and final payment of all his dues.

3. The party agrees that no other relief will be payable in this case to the above-named workman and this application is being countersigned by the organising Secretary of Colliery Mazdoor Union and the amounts mentioned below have been paid to the workman in his presence.

Particulars of sums above referred to:

1. Sri Kharafatu Harijan. Rs. 150/-

The parties above-named jointly pray:

That the dispute relating to the aforesaid workman and the Employers be kindly permitted to be settled amicably on the terms submitted above and for this act of kindness your petitioners shall ever pray.

Dated the 25th September, 1969.

Signature of workman.

For Employers,
(Sd.) B. D. SINCH,
Manager,

Sarpi Kajora Colliery.

1. L.T.I. of Sri Kharafatu Harijan.
The above-named workman has put his
L.T.I. in my presence and he has
been paid his respective dues.
(Sd.) SRI KISHORE CHATTERJEE,
Organising Secretary,
Colliery Mazdoor Union.
25th September, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 69 OF 1969

PARTIES:

Employers in relation to Sarpi Kajora Colliery,

AND

Their workmen.

The humble petition of the Employers and Sarbasri (1) Sri Munshi Bhuiya (2) Sri Nagina Harijan the 2 out of 6 workmen concerned in the above dispute most respectfully sheweth:—

1. That the dismissal of the above 2 workmen and of another 4 workmen from the dates mentioned in the schedule of the order of Reference from the Employers Sarpi Kajora Colliery constitutes the subject matter of the dispute in the above case.

2. That the 2 workmen applicants named above have since been employed in Jharia Coal Field and they are no longer interested in getting reinstated in their former jobs as Loaders in the Employers Sarpi Kajora Colliery in West Bengal

3. That the 2 workmen above-named approached the Employers for amicably settling the dispute arising out of their aforesaid dismissal from the Employers colliery and your petitioners—the Employers and the aforesaid 2 workmen having agreed to the same they beg to settle their said dispute on the following terms: without admitting the correctness or otherwise of their respective contentions regarding the merit of the dispute of this Reference.

Terms of Settlement:

1. That the above-named 2 workmen hereby give up their claim for reinstatement in the Employers Colliery and the Employer will have no further obligation to reinstate them.

2. That the Employers have paid to the aforesaid 2 workmen the sums mentioned below being equivalent amount payable as compensation in the case of their retrenchment and the workmen has individually accepted the same in full and final payment of all their dues.

3. The parties agree that no other relief will be payable in this case to the above-named workmen and this application is being countersigned by the Organising Secretary of Colliery Mazdoor Union and the amounts mentioned below have been paid to the workmen in his presence.

particulars of sums above referred to

1. Sri Munshi Bhuiya, Rs. 150/-
2. Sri Nagina Harijan, Rs. 150/-

that the dispute relating to the aforesaid 2 workmen and the Employers be kindly permitted to be settled amicably on the terms submitted above and for this act of kindness your petitioners shall everpray.

Dated the 22nd September 1969.

Signature of workmen.

for Employers
(Sd.) B. D. SINGH,
Manager,
Sarpi Kajora Colliery.

1. L.T.I. of Munshi Bhuiya.

2. L.T.I. of Nagina Harijan.

The above-named workmen have put their L.T.I. in my presence and they have been paid their respective dues.

Sd. SRI KISHORE CHATTERJEE.
Organising Secretary
Colliery Mazdoor Uni

S.O. 205.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Chora No. 7 and 9 Pits Colliery, Post Office Chora, District Burdwan and their workmen, which was received by the Central Government on the 2nd January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 67 OF 1969

PARTIES :

Employers in relation to the management of Chora No. 7 and 9 Pits Colliery,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers.—Sri S. K. Bhattacharjee Advocate.

On behalf of Workmen.—Absent.

STATE. West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/17/69-LR.II, dated August 23, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Chora No. 7 and 9 Pits colliery and their workmen to this Tribunal, for adjudication, namely:

"Whether the management of Chora No. 7 and 9 Pits Colliery, Post Office Chora, District Burdwan was justified in dismissing Shri Munnaka Rajbhar, Loader with effect from 14th January, 1969, and if not, to what relief he is entitled?"

2. This is the third in a series of cases in which the employers in relation to the management of Chora Colliery No. 7 and 9 Pits have adopted a pattern of behaviour which I dislike. In Reference No. 66 of 1969, which I disposed of only yesterday, I observed:

"The employers in relation to the management of Chora Colliery No. 7 and 9 Pits are of late adopting a somewhat discourteous attitude towards this Tribunal. In Reference No. 72 of 1969, which I disposed of only on December 18, 1969, they did not appear on the date of peremptory hearing and I had to dispose of the case in their absence. This time their behaviour is worse. An application said to be signed by one Mr. S. K. Bhattacharjee, Advocate, was sent through a Darwan or Peon or somebody of that category, who quietly left the same on the table of the Senior Clerk of the office of the Tribunal. In that application he stated:

2. That Shri N. L. Singh who looks after this case has fallen very ill and information of this illness has been received early this morning.
3. That unless an adjournment is granted, your petitioner will suffer irreparable loss.
4. That it is understood that the other side has no objection if the adjournment is granted.'

I waited upto quarter past 2 O'clock in the day but nobody appeared to move the application. Nobody also appeared on behalf of the workmen."

To-day, Sri S. K. Bhattacharjee, Advocate, appears for the management of Chora colliery and files an application for time. In paragraphs 2, 3, and 4 of the application it is stated:

- "2. That Shri N. L. Singh, the personnel officer of the management who looks after this case and who is the most important and material witness in this case has fallen seriously ill and is unable to attend this

Hon'ble Tribunal by travelling by rail from the colliery which is in Asansol area.

3. That the evidence of the said Shri Singh is most important and if the case is taken up and heard in his absence your petitioner will suffer irreparable loss.

4. That the management is informed that the other side will have no objection to grant of adjournment."

3. Nobody is present on behalf of the other side and there is no explanation before me as to why the workmen are not present. There is no endorsement on the petition itself that the application for time is unopposed by the workmen or their trade union representative.

4. Regard being had to the uniformly discourteous attitude which is being shown to this Tribunal by the management and by the workmen. I am not inclined to believe anything written in the petition. The story of illness of Mr. N. L. Singh is also not supported by medical certificate. I, therefore, rejected the application for time. Thereupon, Mr. Bhattacharjee withdrew from the case in the sense that he pleaded his inability to go on with the case. Regard being had to the attitude exhibited before me. I have reasons to believe that the old dispute is no longer a live dispute and no purpose will be served by keeping the dead dispute alive before this Tribunal any longer.

5. I, therefore, pass a 'no dispute' award in this reference.

(Sd.) B. N. BANERJEE,

December 30, 1969.

Presiding Officer.

[No. 6/17/69-LRII.]

New Delhi, the 12th January 1970

S.O. 206.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs Shaw Wallace and Company Limited, Parasla and their workmen, which was received by the Central Government on the 5th January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

December 29, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGIT/LC(R)(35)/1969

PARTIES:

Employers in relation to M/s. Shaw Wallace & Co. Limited. Vs. Their workmen.

APPEARANCES:

For the Employers.—Shri S. D. Singh, Personnel Officer.

For the Workman.—Shri Ramnarain Singh General Secretary, Satpura Koyala Khadan Mazdoor Sangh.

INDUSTRY: Coal Mines.

DISTRICT: Chhindwara (M.P.)

AWARD

By Notification No. 5/3/69-LRII, dated 23rd August 1969, the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal, for adjudication:—

Matter of Dispute

Whether the action of the management of Messrs Shaw Wallace and Company Limited, Parasla, in dismissing the workman Shri Mahadeo ex-Hookman, Rawanwara Colliery with effect from the 20th June, 1967 is justified?

If not, to what relief the workman is entitled?

The dispute related to the termination of service of one Shri Mahadeo, who raised a dispute under Section 2A I.D. Act after the Union M.P. Rashtriya Koyala Khadan Mazdoor Sangh failed to bring about a conciliation and reference.

After the reference, it appears that M/s. Shaw Wallace & Co. Ltd., who were the Managing Agents of M/s. The Amalgamated Coalfields Ltd., ceased to be so and the employers are now the Company, The Amalgamated Coalfields Ltd.

After statement of claims and rejoinders were filed certain issues were framed on 28th October 1969 which need not be stated as the parties have compromised the dispute and have filed a compromise petition, which has been duly verified before me and terms of which are reproduced as annexure to this Award. The concerned workman, Shri Mahadeo has agreed to accept Rs. 2,000 in full and final settlement of his claim out of which 10 per cent has been agreed to go to the Union Satpura Koyala Khadan Mazdoor Congress. The terms are fair and reasonable. The compromise is therefore accepted and an award in terms thereof is hereby recorded.

Sd./- G. C. AGARWALA.
Presiding Officer.
29-12-1969.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT (CENTRAL) JABALPUR

In the Matter of Reference No. CGIT/LC(R)(35)/69

PARTIES:

Employers in relation to Rawanwara Colliery of the Amalgamated Coalfields Ltd., P.O. Parasia, Distt. Chhindwara (M.P.)—Non-Applicants.

Vs.

Shri Mahadeo, C/o Satpura Koyala Khadan Mazdoor Congress, P.O. Jun-nordeo, Distt. Chhindwara (M.P.)—Applicant.

Both the abovementioned parties jointly submit as under:

1. That the above reference was made by the Government of India, Ministry of Labour, Employment & Rehabilitation, Dept. of Labour & Employment, New Delhi, to this Hon'ble Tribunal, under S.O. No. 5/3/69-LRII, dated 23rd Aug., 1969.

2. That M/s Shaw Wallace & Co. Ltd., have ceased to be the managing agents of the Amalgamated Coalfields Ltd., with effect from 15th August 1969, and as such, the employers of the worker under Terms of Reference are M/s. The Amalgamated Coalfields Ltd., P.O. Parasia, Dist. Chhindwara (M.P.), and not M/s Shaw Wallace & Co. Ltd. as mentioned in the Terms of Reference.

3. Both the parties have now mutually settled this dispute on the following terms:

Terms of Settlement

1. That the applicant requested the non- applicants for some *exgratia* payment in lieu of the job, which he lost with the management vide letter No. CF/212 dated 20th June, 1967. On the applicants (Mahadeo's) request, the non-applicants agree to pay a lumpsum *exgratia* of Rs. 2000/- (Rupees two thousand only) in settlement of this dispute with regard to his reinstatement with back-wages etc. which he preferred against the management. This agreement brings the settlement of all the claims of the applicant arising out of the dispute under reference against the management.

2. That the applicant undertakes that he will not claim job with the non-applicants in view of the *exgratia* payment of Rs. 2000/- in settlement of his dispute with regard to his reinstatement, and the applicant further undertakes that neither he, nor any union will raise any dispute of any nature or prefer any claims in future with regard to payment etc. before any authority or any Court of Law. Thus, the dispute finally stands settled and resolved.

3. That the *exgratia* payment of Rs. 2000/- (Rupees two thousand only) will be paid to the applicant within a fortnight of the date of signing of this settlement and the said *exgratia* payment will be subject to 10 per cent deduction towards union charges.

Prayer

Both the parties pray that an Award may kindly be passed in terms of the aforesaid settlement.

Applicant

(Sd.) RAMNARAIN SINGH,
General Secretary,
Satpura Koyala Khadan Mazdoor Congress
P.O. Junnordeo, Dist. Chhindwara (M.P.).

(Sd.) MAHADEO,
C/o Satpura Koyala Khadan Mazdoor Congress,
P.O. Junnordeo, Dist. Chhindwara (M.P.).

Non-Applicants

(Sd.) S. D. SINGH,
Personnel Officer
The Amalgamated Coalfields
Ltd.

P.O. Parasia,
Dist. Chhindwara (M.P.).

Witnesses:

1. (Sd.) JIWAN SINGH.
2. (Sd.) SHIVNARAYAN SINGH.

Dated: 27-12-69.

Verified

Sd./- G. C. AGARWALA,
29-12-1969

Pant of the Award

Sd./- G. C. AGARWALA,
Presiding Officer.
29-12-1969

[No. 5/3/69-LRII.]

ORDERS

New Delhi, the 6th January 1970

S.O. 207.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Simlabahal Colliery, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Simlabahal Colliery, Post Office Jharia, District Dhanbad, was justified in retrenching Shri Anandi Singh, Register Keeper, with effect from the 21st March, 1969, under Section 25FFF of the Industrial Disputes Act, 1947? If not, to what relief is the workman entitled?”

[No. 2/161/69-LRII.]

New Delhi, the 7th January 1970

S.O. 208.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudium (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Having in view the recommendations of the Wage Board for Coal Mining Industry and the nature of work that the Sanitary Mazdoors and Scavengers have to perform and other conditions of service such as meagre avenues of promotions available to them, whether the management of Singareni Collieries Company Limited, Kothagudium are justified in introducing weekly holiday without wages in respect of Sanitary Mazdoors and Scavengers? If not, to what relief these workers are entitled?"

[No. 7/34/68-LRII.]

New Delhi, the 9th January 1970

S.O. 209.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kalyani Selected Kargali Colliery, Post Office Bermo, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Kalyani Selected Kargali Colliery is justified in transferring Shri Ram Rekha Singh, Provident Fund Clerk to the Head Office at Jaridih Bazar, Bermo? If not, to what relief he is entitled and from what date?"

[No. 2/169/69-LRII.]

S.O. 210.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Singareni Collieries Company Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the demand of the Tandur Coal Mines Labour Union, Belampalli for confirming Shri A. Thomas, Bank Mazdoor, Shantikhanl No. 1 Incline, the Category IV as Bank Muccadam is justified? If so, to what relief he is entitled and from what date?"

[No. 7/25/69-LRII.]

S.O. 211.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs S. Kantilal and Company Private Limited, Curchorem—Sanvordem (Goa) and their workman Shri Dinanath Dessal in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 2), Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Messrs S. Kantilal and Company Private Limited, Curchorem-Sanvordem (Goa) in dismissing the workman Shri Dinanath Dessai, Foreman, Sirgal Mines with effect from 14th April, 1969, was justified? If not, to what relief is the workman entitled?

[No. 24/75/69-LR-IV.]

S.O. 212.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Chrestien Mica Industries Limited, Domchanch, Post Office Sibsagar (Domchanch), District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, Whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 2) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the workmen of the Chrestien Mica Industries Limited, Domchanch are entitled to get 10 per cent. increase in wages from 1st January, 1968 to 22nd May, 1968? If not, to what relief are they entitled?”

[No. 20/5/69-LR-IV.]

S.O. 213.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Gonshadih Colliery of Ranegunge Coal Association Limited, Post Office Kustore, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Gonshadih Colliery in dismissing Shri Gouri Nonia, Miner and Shrimati Jitni Nonia, Shale Picker with effect from the 26th March, 1969 was justified? If not, to what relief are the workmen entitled?”

[No. 2/154/69-LR.II.]

New Delhi, the 12th January 1970

S.O. 214.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ghugus Colliery, Post Office Manikpur, District Chandrapur (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

“Is the management of Ghugus Colliery of Ballarpur Collieries Company justified in not paying pushing allowance to their underground loaders at the rate of 00.075 paise per tub for every 100 feet over and above the first 100 feet with effect from the 15th August, 1967, after the

acceptance by the Government of India of certain recommendations of Wage Board for Coal Mines? If not, justified to what relief are these underground loaders of the said Colliery entitled?"

[No. 5/34/69-LRIL.]

S.O. 215.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Gidi 'A' Colliery of National Coal Development Corporation Limited, Post Office Gidi, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Gidi 'A' Colliery of Messrs National Coal Development Corporation Limited was justified in not implementing their assurance to the workmen that if the strike of June-July, 1967 at this Colliery was called off and the workers maintained peaceful conditions at the Colliery for the next two months, the management would treat the strike period as period of leave to the extent due to the workmen."

[No. 1/29/69-LRIL.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th January 1970

S.O. 216.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the Notification of the Government of India in the late Ministry of Labour, No. S.R.O. 511 dated the 12th February, 1957, so far as it relates to the appointment of Shri Syed Ashfaq Ali as Inspector to the State of Uttar Pradesh, the Central Government hereby appoints Shri S. A. Ali to be an Inspector for the whole of the State of Bihar for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway Company, a major port, a mine, an oil field or a controlled industry.

[No. 18/20/68-PF-I.]

(श्रम तथा रोजगार विभाग)

नई दिल्ली, 7 जनवरी, 1970

का०प्र० 216—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम मंत्रालय की अधिसूचना संख्या का०नि०प्रा० 511 तारीख 12 फरवरी, 1957 को, जहाँ तक वह श्री सैयद असफाक अली की उत्तर प्रदेश राज्य के निरीक्षक के रूप में नियुक्ति से सम्बन्धित है, अतिष्ठित करते हुए, केन्द्रीय सरकार, केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, खान; या तेल क्षेत्र या नियंत्रित उद्योग से सम्बन्ध किसी स्थापन के सम्बन्ध में, उक्त अधिनियम के और तद्धीन बनाई गई किसी स्कीम के प्रयोजनों के लिए श्री एस० ए० अली को सम्पूर्ण बिहार राज्य के लिए एतद्द्वारा निरीक्षक नियुक्त करती है।

[सं० 18/20/68-पी०एफ० I]

S.O. 217.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1196, dated the 22nd May, 1961, the Central Government hereby appoints Shri K. L. Sehgal, Assistant Provident Fund Commissioner (Grade I) to be an Inspector for the whole of the States of Punjab and Haryana and the Union Territories of Chandigarh and Himachal Pradesh for the purposes of the said Act and of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

[No. 18(20)/68-PF.I.]

DALJIT SINGH, Under Secy.

का०आ० 217—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 1196 तारीख 22 मई, 1961 को अधिकांत करते हुए, केन्द्रीय सरकार श्री के० एल० सहगल, सहायक भविष्य निधि आयुक्त (श्रेणी I) को, उक्त अधिनियम और उसके अधीन बनाई गई किसी स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रण में किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, खान, या तेल-क्षेत्र या नियंत्रित उद्योग से सम्बन्धित किसी स्थापन के सम्बन्ध में सम्पूर्ण पंजाब और हरियाणा राज्य और चण्डीगढ़ और हिमाचल प्रदेश के संघ-राज्य क्षेत्रों के लिये, एतद्वारा निरीक्षक नियुक्त करती है ।

[सं० 18 (20)/68-पी० एफ०-1]

दलजीत सिंह, अव्वर सचिव ।

(Department of Labour and Employment)

New Delhi, the 8th January 1970

S.O. 218.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs Ganji Jadhavji & Co. Private Limited, and their workmen, which was received by the Central Government on the 1st January, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

Ref. No. CGIT-62 of 1965

PARTIES:

Employers in relation to Messrs. Kanji Jadhavji & Co. Pvt. Ltd.,

AND

Their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers:—Shri Narayan B. Shetye, Advocate.

For the workmen:—(1) Shri H. N. Trivedi, President Indian National Port and Dock Workers' Federation and Shri V. H. Joshi for the Kandla Port and Dock Mazdoor Congress.

(2) Shri S. R. Kulkarni, President, All India Port and Dock Workers' Federation, Shri I. S. Sawant, Assistant, Secretary, Transport and Dock Workers' Union, Bombay and Shri H. K. Sowani, Advocate for the Transport and Dock Workers' Union, Kandla, Kutch, Gujarat.

INDUSTRY: Major Ports and Docks.

STATE: Gujarat.

Bombay, 28th November 1969

AWARD

The Government of India in the Ministry of Labour and Employment have by their order No. 28/90/65/LRIV. dated 15th October 1965 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs Kanji Jadhavji & Co., Gandhidham, Kutch and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

“Whether the management of M/s. Kanji Jadhavji and Company is justified in not implementing the interim recommendations of the Wage Board for Port and Dock Workers, as published vide Government of India, Ministry of Labour and Employment, Resolution No. WB21(13)/65 dated the 27th April 1965 in respect of the foodgrain handling workers at Kandla Port. If not, to what relief are the workmen entitled to and from which date.”

2. The employers M/s. Kanji Jadhavji & Co., Gandhidham, Kutch are operating as stevedores, clearing and forwarding Agents and Shipping Agents at Kandla. At the material time they were also foodgrain handling contractors to Government of India in the Ministry of Food and Agriculture and for this purpose the Company had in their employ a large number of dock workers of all categories at Kandla.

3. The Central Government under the provisions of the Major Port Trusts Act constituted Kandla Port Trust and declared the same as Major Port. The foodgrains and fertilisers imported by Government are carried by tankers and/or open freighters (vessels). After the vessels and/or tankers arrived at the Port of Kandla the cargo concerned was required to be loaded at the Port and cleared from the Port for dispatch and distribution to various parts in the country as directed by the officials of the Government of India, and the employers had entered into a contract with the Ministry of Food and Agriculture for a period of three years in connection with the handling and clearance of foodgrains and ammonium sulphate at the Port of Kandla.

4. The workmen concerned in this reference are workers employed by the company for carrying out the contract work of handling and loading and unloading the foodgrains and ammonium sulphate. The Government of India had by their Resolution dated 13th November 1964 constituted the Central Wage Board for Port and Dock Workers at major ports. The Board submitted their report and made recommendations for the grant of interim relief and payment of additional dearness allowance to all the port and dock workers employed by the employers at the major ports. Government by their resolution dated 27th April, 1965 accepted the recommendations and requested the concerned employers to implement the same as early as possible. But the employers refused to implement the recommendations. Hence the unions made formal demands and requested them to implement the recommendations in respect of all the categories of workers employed by them. But the employers did not pay heed. However, the foodgrain handling workers gave notices and struck work and had threatened to prolong the stoppage of work but due to the intervention of officials of Government, stoppage of work was discontinued and the dispute was referred for conciliation to the Regional Labour Commissioner (Central). During conciliation proceedings also the company refused to implement the recommendations and persisted in their attitude in not implementing the recommendations and hence after the failure report the dispute is referred to this Tribunal for adjudication.

5. The workmen were represented by three unions viz., (1) the Kandla Stevedores and Dock Workers Union, Gandhidham, Kutch, (2) Transport and Dock Workers' Union, Kandla, Kutch and (3) Kandla Port and Dock Mazdoor Sangh, Kandla Kutch. The three unions had by their statements of claim dated 13th November 1965 and 26th November 1965 respectively contended that the employers carried out the foodgrain cargo handling work as the contractors of the Government of India and had employed about 2000 workers at various times for the purpose of loading and unloading foodgrain. The employees are dock workers as defined by the Dock Workers (Regulation of Employment) Act. They are also covered by the recommendations of the Wage Board and are entitled to claim the benefits of interim relief and dearness allowance. It was further contended that the company did not implement the recommendations of the Wage Board and hence the union had given notice on the 8th July 1965. They also served a strike notice on the employers on 18th August 1965 and the employers had agreed to consider the matter,

but subsequently they have resiled from their promises and the workmen are entitled to get the benefits recommended by the Port and Dock Wage Board.

6. In the reference order the employers were described as employers in relation to Messrs Kanji Jadhavji and Company Gandhidham, Kutch. In the schedule also it was stated "Whether the management of M/s. Kanji Jadhavji and Company is justified,..." and the Kandla Stevedores and Dock Workers' Union Gandhidham, Kutch had in their statement of claim contended that the employers in relation to M/s. Kanji Jadhavji & Co., i.e. M/s. Kanji Jadhavji & Co. (Private) Ltd., (hereinafter referred to as the employers') carried out the foodgrains handling work as contractors. It was further alleged that the employers were popularly known as K. J. Co. and generally as Kanji Jadhavji and Co., and so these popular and general names are used by the various parties in various communications instead of the full name i.e. M/s. Kanji Jadhavji Company (Private) Ltd. and due to these different names there should not be technical hitch.

7. Messrs Kanji Jadhavji & Co., had by their written statement dated 30th November 1965 denied the claim of the workmen contending that the workmen concerned in the reference were not their employees. But that they were the employees employed by the contractors Messrs Kanji Jadhavji and Co. Private Limited. They had alleged that the principal party was Messrs Kanji Jadhavji & Co. Private Limited and not Messrs Kanji Jadhavji & Co., which company had acted merely as agents of the principals. It was alleged that Messrs Kanji Jadhavji & Co., Private Limited, and Kanji Jadhavji & Co., were two separate entities and Messrs Kanji Jadhavji & Co., were in no way concerned with the contract or with the workers directly and therefore they were not responsible for the liability that may arise as a result of the adjudication of the reference. They had also raised other contention regarding the merits of the dispute contending that the workers were not dock workers, they had no financial capacity and the recommendations of the Board were not binding and they were not bound to pay anything to the workers.

8. After the written statements and production of documents when the matter came up for hearing the Transport and Dock Workers' Union applied to this Tribunal for an adjournment of the hearing contending that they wanted to approach the Central Government to amend the reference order as the name of the employer company was wrongly mentioned as Kanji Jadhavji & Company which should have been Kanji Jadhavji & Co. Pvt. Ltd. Subsequently they made an application and the Government by their Order No. 28(90)/65-LRIV dated 30th July 1968 issued a corrigendum directing to read "company Private Ltd.," instead of "Company" in lines 3 and 12 of the reference order and thus by this order Messrs Kanji Jadhavji & Company Private Ltd., were substituted in place of "Kanji Jadhavji & Co." and the name of Kanji Jadhavji & Co., was deleted.

9. After this amendment again notices were issued to the parties under rule 10B of the Industrial Disputes (Central) Rules, 1957, and the employers Messrs Kanji Jadhavji & Co., Pvt. Ltd., filed a written statement admitting that the Government of India, Ministry of Food and Agriculture had appointed them as contractors for the purpose of handling, stevedoring, clearing, forwarding and transport of foodgrains and fertilizers at Kandla Port and the said contract was at the first instance for the period of 2 years from October 1962 to September 1964 and was further extended for another one year upto September 1965. But they had denied the claim of the workers contending that by resolution dated 31st October 1962 the said company had entrusted the work of the contract to the proprietary firm of Messrs Kanji Jadhavji & Co., which was carrying on similar business of stevedoring, handling, clearing, forwarding and transport since long. It was alleged by the Company that the said firm had engaged mukadams for the said contract who in turn engaged workmen for the said work and the said firm made all payments to the mukadams; that the company had no relationship with the workmen and they were not the employers.

10. Even after the amendment of the reference order the Kandla Port and Dock Mazdoor Sangh by their written statement dated 29th August 1968 made the claim against the substituted employers and raised the same contentions alleging that the dock workers at Kandla were very poorly paid. The cost of living was going very high. The workers were highly exploited and the recommendations of the Wage Board should be implemented and the employees should be given the interim relief. It was further contended that the employers Kanji Jadhavji and Co. Pvt. Ltd., cannot be considered as justified in not implementing the interim recommendations and had prayed that an award should be passed against them.

11. The Kandla Stevedores and Dock Workers' Union and the Transport and Dock Workers' Union did not after the amendment file any additional statement

of claim. But the employers Kahji Jadhavji & Co. Pvt. Ltd., who were substituted as the employers by the amended order preferred a Writ Petition (Spl. Civil Application No. 2298 of 1968) in the High Court of Bombay against the Central Government and the various unions and the proprietary firm of Messrs Kanji Jadhavji & Company praying that the Central Government had no power to rescind and amend the notification issued under section 10 of the Industrial disputes Act and for setting aside the reference order as amended by the order dated 30th July 1968. This petition was opposed by the Transport and Dock Workers' Union and their Lordships of the Bombay High Court finally decided the writ petition by their order dated 12th February 1969 dismissing the same.

12. After the decision of the writ application and receipt of the record from the Hon'ble High Court the reference as amended was again kept for hearing. But the employers Messrs Kanji Jadhavji & Co. Private Ltd., made an application on 14th July 1969 for an adjournment contending that the employers wanted to consider the matter and file a full written statement and as Shri Trivedi the President of the Indian National Port and Dock Workers' Federation had no objection the case was adjourned with a specific direction that the employers were given a last chance to file the full written statement and the matter was fixed for hearing on 2nd August 1969. But the employers instead of filing a full written statement filed an affidavit in support of their contentions raised in the first written statement. There upon the Union the Kandla Port and Dock Mazdoor Sangh also filed a counter-affidavit. Neither the Kandla Stevedores and Dock Workers' Union nor the Transport & Dock Workers' Union took any interest in the proceedings after the decision of the writ petition and the question is whether the employers Messrs Kanji Jadhavji & Co. Pvt. Ltd., are justified in not implementing the interim recommendations of the Port and Dock Wage Board.

13. The only contention raised by the employers by their written statement dated 11th October, 1968, is in respect of the employer and employee relationship. They had contended that the employers had entrusted the work of the contract to the proprietary firm of Messrs. Kanji Jadhavji & Co., and the said firm had engaged mukadams for the work of the contract who in turn engaged workmen for doing the work and there is no relationship of employers and employees between the Company and the workmen and this Court has no jurisdiction. However the contention of entrusting the contract work to the firm was raised by the Company in the Writ Petition also and this question has been discussed by their Lordships of the Bombay High Court in the writ petition and in the judgment it has been observed that the employers who were the petitioners had specifically contended that the proprietary firm of Messrs Kanji Jadhavji & Co., respondent No. 6 was entrusted with the work of the said contract and in fact they were sub-contractors and they had carried out the work through mukadams. Their Lordships discussed the evidence affidavits and documents produced and have observed:—

"It is hardly possible that this contract was given as a sub-contract to respondent No. 6. *Prima facie* it is impossible to accept the suggestion that respondent No. 6 is a sub-contractor of the petitioner.

and have further observed:—

"We are, therefore, satisfied that the petitioner is the employer which would be vitally affected by the reference and the Central Government was right in correcting the error which had crept in its earlier notification."

In view of these observations the contentions raised by the employer the private limited company that they had entrusted the work to the firm cannot be accepted.

14. From the circumstances also the contention of assigning the contract work to the private firm appears to be without any substance. Firstly the so-called firm is a proprietary concern of the family of the same individuals who are the directors of the private Ltd. company. There is no evidence of the terms and conditions of the so-called assignment or entrustment. Thirdly it is common knowledge that Government contracts cannot be assigned and the contracts are given only on such conditions. There is also no evidence of the acceptance of the so-called entrustment by the proprietary firm. In its written statement the firm has contended that the private Ltd. Company was the principal and they themselves as agents and the contention of the private company about the theory of sub-contract cannot be accepted and the further question is whether there is any evidence to show that the company had engaged mukadams and there was no relationship or whether the company itself had engaged the workmen.

15. I have already observed that the employers had filed an affidavit dated 2nd August, 1969, in which they have repeated the same contentions as in their earlier written statement. In paragraph 10 of the affidavit it is stated:—

"I say that as far as the mukadams are concerned, Messrs. Kanji Jadhavji & Co. have taken agreement on stamp paper where in it is clearly mentioned that the entire responsibility of engaging labour force will be of the said mukadams and that the said mukadams have undertaken the work for Kanji Jadhavji & Company."

These allegations have been denied in the counter-affidavit filed by Shri B. H. Dave of the Kandla Port and Dock Mazdoor Sangh where in it has been stated:—

"We deny any commitments made by the mukadams mentioned in para 10 of his affidavit."

16. However, in paragraph 6 of his affidavit Shri Dave has admitted that there were mukadams. He has stated:—

"The mukadams mentioned in paras 9 and 10 were responsible for only two sections of work, viz., filling and stevedoring, the rest were directly handled by the company itself, viz., stitching, weighing stacking wagon loading, removing the goods from transit shed to warehouse, lifting from ground floor to first floor, gunny bag bales removing, cleaners etc."

From this affidavit it appears that the employers had engaged mukadams for the work of the two sections, viz., filling and stevedoring and it shall have to be held that there was no relationship between the employers and the workmen doing work in these two sections. However, it is clear from the affidavit of Shri Dave that the workers doing the work in other sections were employed by the company Messrs. Kanji Jadhavji & Co. Pvt. Ltd. They are their workmen.

17. I have already stated the case of the employers that the firm had engaged mukadams who had in their turn engaged the workers. The employers have not examined anybody on behalf of the firm or the mukadams and the general statement in the affidavit filed on behalf of the employers that all the employees were engaged by the mukadams cannot be accepted and it has been established that there was relationship between the employers and the employees working in all the sections except the two sections of filling and stevedoring and the reference regarding them will be maintainable.

18. It is clear from the written statement that the employers have not raised any contentions regarding the merits of the claim. The employers had taken the foodgrains contract from Government and had to do work of handling, stevedoring, clearing, forwarding and transport of the foodgrains and the workmen were doing the work of handling the foodgrains unloading them outside in the Kandla Port and it cannot be disputed that the workmen employed by the company for the purpose of handling the foodgrains were dock workers under the Dock Workers (Regulation of Employment) Act, 1948. It has been contended by the Kandla Port and Dock Mazdoor Sangh that the dock workers are poorly paid the cost of living was very high, the port is situated at a far off place from the township and the workers deserve to get the benefits of the interim relief. It cannot be disputed that Kandla is a new Port and there is no reason to disbelieve the contentions raised. It is not also the case of present employers that they have no capacity to pay the interim relief and it shall have to be held that the employers are not justified in not implementing the recommendations of the Wage Board, and the further question is to what reliefs are the workmen entitled.

19. The Central Wage Board had recommended interim relief and additional dearness allowance which was accepted by the Government by their resolution No. WB-21(13)/65, dated 27th April 1965, and requested the concerned employers to implement the recommendations. It is also clear from the record that the workers had made a demand about the interim relief in the month of July, 1965. The employers had refused and thereafter the dispute was referred to the Conciliation Officer and the workmen would be entitled to get the relief from that date.

20. The learned Advocate Shri Shetye on behalf of the management has argued that the workers had made a demand about the interim relief not to Messrs. Kanji Jadhavji & Co. Pvt. Ltd., but the demand was made to the proprietary firm Messrs. Kanji Jadhavji & Co. and as there was no demand there could not be any dispute which could have been referred by Government. The learned Counsel has relied upon the ruling reported in 1968 1 LLJ page 834 (Shidhu Resettlement

Corporation versus Industrial Tribunal Gujarat and Ors.) in which it has been observed:—

"On the facts of this case it is clear that the reference made by the Government was not competent. A mere demand to a Government with a dispute being raised by the workmen with their employer cannot become an industrial dispute. In the instant case the Government had come to an opinion that an industrial dispute did exist and that opinion could only be formed on the basis that there was a dispute between the appellant and the respondents relating to reinstatement. The material showed that no such industrial dispute as purported to be referred by the statement had even existed between the appellant Corporation and the respondents. The State Government obviously committed an error in basing its opinion on material which was not relevant to the formation of the opinion. The only reference that the Government could have made had to be related to payment of retrenchment compensation which was the only subject matter of dispute between the appellant and respondent."

21. I do not think that this ruling will be applicable to the facts of the present case. Firstly there is no question of any difference of relief claimed in the charter of demands and the relief claimed in the statement. It is also not in dispute that the workmen had made a demand about interim relief recommended by the Wage Board. There is no substance in the contention that no demand was made to the Company. The employers were known by three-four names such as K. J. & Co., Jadhavji Kanji & Co. and lastly M/s. Kanji Jadhavji & Company Private Ltd. The names of the firm and the Private Ltd. Company are very similar and it may be that the Union might have made a demand to the proprietary firm Kanji Jadhavji & Co. also. But it is also clear from the record that they had made a demand even to the employers Messrs. Kanji Jadhavji & Co. Pvt. Ltd. In the record there is a letter dated 5th August, 1965, written by the General Secretary of the Transport and Dock Workers Union, Kandla addressed to Kanji Jadhavji & Co. Pvt. Ltd., which is a strike notice giving—the subject—demands of the food-grain handling workers and there is no substance in the contention that the workers had not made a demand about interim relief to the employers in question.

22. In the Judgment of their Lordships of the Bombay High Court it has been also observed:—

"In fact that the affidavit in reply was filed by respondent No. 6 on January 14, 1969, by which an allegation was made that respondent No. 6 was only acting as an agent of the petitioner and that the real employer was the petitioner. There is no counter-affidavit filed to this allegation. Apart from it, on the record annexed to the said affidavit there is a letter of demands of the employee's addressed to the petitioner dated August 5, 1965... Then there is a letter dated August 17, 1965 by the petitioner addressed to the Deputy Director General (Food) with copies to the Regional Director (Food), Bombay requesting the Ministry of Food to intervene and direct the port authorities and advise unions that the workers should not resort to stoppage of work."

This clearly shows that the unions had made a demand and the ruling will not be applicable. The unions had made a demand about interim relief and the appropriate Government had rightly made the reference and there is no question of want of jurisdiction.

22. Shri H. N. Trivedi, the President of the Indian National Port and Dock Workers Federation has argued that the Central Wage Board had recommended interim relief and the employees will be entitled to get the relief as recommended from 1st October, 1964. The Wage Board had made the recommendations in the month of February, 1965 and the recommendations were accepted in the month of April, 1965. It is also true that certain of the recommendations were applicable from 1st October, 1964. However it cannot be ignored that the present proceeding is a reference under section 10 of the Industrial Disputes Act. Ordinarily an award passed in a reference would come in force 30 days after its publication in the official gazette and it is only under special circumstances that retrospective effect can be given to it, and I do not think that the workers would be entitled to get the benefit from 1st October, 1964, onwards. It is true that in this case there are some special circumstances, that the employers had taken the work of executing the contract only for three years. The contract has also come to an end. The unions had made a demand to management in July, 1965. The workmen are

paid low wages, the port is new and recently constructed and considering the circumstances in my opinion they will be entitled to get the benefit of the recommendations from the date of demand which was in the month of July, 1965. Thus they will be entitled to get the interim relief and the dearness allowance and the increases granted from time to time with effect from 8th July, 1965. The employers M/s. Kanji Jadhavji & Co. Private Ltd., is not justified in not implementing recommendations of the Central Wage Board and all the workmen except those working in the two sections, tilting and stevedoring are entitled to get all the benefits from 8th July, 1965, till the date of termination of the employment. Hence my award accordingly.

24. As regards costs the Kandla Stevedores and Dock Workers' Union has not taken part in the proceedings except filing the written statement before the amendment of the reference order. The Transport and Dock Workers' Union though did not file written statement after the amendment, they did not absent themselves and Advocate Shri Sowani who represented the Union argued the workers' claim and supported the Kandla Port & Dock Majdoor Sangh and only these two Unions would be entitled to get costs. Considering the length of the proceedings, I think it proper to direct the management to pay costs of Rs 250/- each to the Kandla Port and Dock Mazdoor Sangh and the Transport and Dock Workers' Union.

(Sd.) A. T. ZAMBRE,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[No. 28/90/65-LR-IV/Fac.II.]

New Delhi, the 9th January 1970

S.O. 219.—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints the Deputy Zonal Manager, Food Corporation of India, Calcutta as a member of the Calcutta Dock Labour Board vice the Manager (Port Operation) and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1322, dated the 7th April, 1967, namely:—

In the said notification, under the heading **"Members representing the Central Government"**, for item (5), and the entry relating thereto, the following item and entry shall be substituted, namely:—

"(5). The Deputy Zonal Manager, Food Corporation of India, Calcutta."

[No. 28/90/65-LR-IV/Fac.II]

New Delhi, the 12th January 1970

S.O. 220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Messrs Motumal and Company, Bombay and their workmen, which was received by the Central Government on the 6th January, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

REF. No. CGIT-2/24 OF 1968

Employers in relation to M/s. Motumal & Co., Bombay

AND

Their Workmen

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the employers.—Shri V. R. Thakur, Advocate and Shri Parasram, Partner.

For the workmen.—Shri K. R. Dingle, Advocate and Shri I. S. Sawant, Asstt. Secretary, Transport and Dock Workers' Union, Bombay.

INDUSTRY: Ports and Docks

STATE: Maharashtra.

Bombay, the 1st January 1970

AWARD

By Order No. 28/84/66-LRIV dated 19th November 1966, the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to the Central Government Industrial Tribunal, Bombay for adjudication an industrial dispute existing between the employers in relation to M/s. Motumal & Co., Bombay and their workmen in respect of the matter specified in the schedule mentioned below:—

SCHEDULE

"Whether the terms and conditions of service of the employees of M/s. Motumal & Co., Ashok Chambers, Bombay-9 in respect of the following matters require revision and if so to what extent and from what date?

1. Pay Scale.
2. Fixation of Pay.
3. Dearness Allowance
4. Working Hours
5. Gratuity.
6. Overtime.
7. Promotion."

2. Later on, the Central Government by Order No. 22/8/68-LRIII dated 25th November 1968 transferred this reference to this Tribunal No. 2, Bombay for adjudication.

3. The employers have filed written statement at Ex.1/E on 11th January 1967 and rejoinder at Ex.3/E on 22nd March 1969 raising various contentions.

4. The Transport and Dock Workers' Union representing the workmen of M/s. Motumal & Co., Bombay has filed written statement at Ex. 2/W on 4th March 1967.

5. From 24th March 1969, both the parties took adjournment from time to time for bringing about settlement. On 25th October 1969 the company gave application alongwith the settlement dated 25th October 1969 bearing the signature of the Partner of the Company. As the Union was not present the case was adjourned to 1st November 1969. On this date Shri A. R. Mulani, Advocate for the Employers and Shri K. R. Dengle, Advocate for the Union appeared before me and filed their appearances. Shri K. R. Dengle also filed his 'Vakalatnama' on behalf of the Union and gave application for signing the settlement dated 25th October 1969. The same settlement marked as Annexure 'A' was accepted by me and Award Part I in terms of that settlement in respect of demand Nos. 4 to 8 was made by me on 3rd November 1969.

6. This reference was fixed for hearing on 19th November 1969 in respect of demand Nos. 1 to 3 regarding pay scale, Fixation of Pay and Dearness Allowance respectively. After taking some adjournment the representatives of the parties and their advocates have given application before me as mentioned below:—

"The matters now pending before the Hon. Tribunal are in respect of (1) Pay scales (2) Fixation of pay and (3) D.A. These issues are also covered by another reference viz. Ref. CGIT-13 of 1967 which is also pending before Shri A. T. Zambre, Central Government Industrial Tribunal.

"The parties to this reference have arrived at an agreement in respect of these matters and they will file an application before this Hon. Tribunal for making a consent award in terms of the said agreement.

"The parties hereby declare that they would be bound by the terms of the said consent award for the period mentioned in the settlement. In view of this position, it is respectfully submitted that the Hon. Tribunal may kindly record this declaration and dispose of this reference. In respect of other demands the parties have already filed terms of settlement and prayed for Part I Award."

7. As the parties have negotiated a settlement in respect of demand Nos. 1 to 3 and as they are going to file settlement in reference No. CGIT-13 of 1967 pending

before the Central Government Industrial Tribunal, Bombay, it is not necessary to refer to the written statements of both the parties.

8. Having regard to Award Part I dated 3rd November 1969 in respect of Working Hours, Gratuity, Leave, Overtime and Promotion and the fact that the parties have effected settlement in respect of Pay scale, Fixation of pay and Dearness Allowance, I have to hold that the terms and conditions of service of the employees of M/s. Motumal & Co., Bombay in respect of items mentioned in the above schedule require revision to the extent agreed by the parties in their settlement and from the dates mentioned in the settlement.

9. As both the parties desire that this Tribunal should declare that they would be bound by the terms of the Award to be made in reference No. CGIT-13 of 1967 for the period mentioned in their settlements and to dispose of this reference accordingly, I pass the following order:—

ORDER

- (i) It is hereby declared that the terms and conditions of service of the employees of M/s. Motumal & Co., Bombay in respect of pay scale, Fixation of Pay, Dearness Allowance, Working hours, Gratuity, Overtime and promotion require revision to the extent agreed by the parties in their settlement and they would come into force with effect from the dates mentioned in their settlement in Award Part I dated 3rd November 1969 and Award to be given in reference No. CGIT-13 of 1967 by the Central Government Industrial Tribunal, Bombay.
- (ii) Joint application given by both the parties marked as Annexure 'B' is to form part of this Award.
- (iii) Award Part II is made accordingly.
- (iv) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer.
Central Govt. Industrial Tribunal,
No. 2, Bombay.
1st January 1970.

ANNEXURE 'B'

BEFORE SHRI N. K. VANI, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REF. No. CGIT-2/24 of 1968

(Pr. Ref. No. CGIT-54/1966).

Employers in relation to M/s. Motumal & Co. Bombay.

AND

Their Workmen.

May it please the Hon'ble Tribunal:

The matters now pending before the Hon. Tribunal in respect of (1) Pay scales (2) Fixation of pay and (3) D.A. These issues are also covered by another reference viz. Ref. CGIT-13 of 1967 which is also pending before Shri A. T. Zambre, Central Government Industrial Tribunal.

The parties to this reference have arrived at an agreement in respect of these matters and they will file an application before this Hon. Tribunal for making a consent award in terms of the said agreement.

The parties hereby declare that they would be bound by the terms of the said consent award for the period mentioned in the settlement. In view of this position, it is respectfully submitted that the Hon. Tribunal may kindly record this declaration and dispose of this reference. In respect of other demands the parties have already filed terms of settlement and prayed for Part I. Award

(Sd.) Illegible
For Transport & Dock Workers' Union.
Bombay, 1st December, 1969.

(Sd.) PARSRAM M. NASTE.
For M/s. Motumal & Co.

ORDERS

New Delhi, the 5th January 1970

S.O. 221.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of M/s. Eastern Shipping Services, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“(1) Whether the dismissal of Shri Nasiruddin Khan, Watchman by the management of Messrs Eastern Shipping Services, Calcutta, with effect from 2nd August, 1969 was justified?”

(ii) If not, to what relief is the workman entitled?”

[No. 28/81/69-Fac.II.]

New Delhi, the 6th January 1970

S.O. 222.—Whereas an industrial dispute exists between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen represented by the Calcutta Port Shramik Union, Calcutta;

And whereas the said employers and their workmen have, by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government, under sub-section (3) of section 10A of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 26th December, 1969.

Agreement Under Section 10A of the Industrial Disputes, Act, 1947.

Name of the parties:

Representing Employers.—Shri T. R. Raghupathi, Secretary, Commissioners for the Port of Calcutta.

Representing Workmen.—Shri Makhan Chatterjee, General Secretary, Calcutta Port Shramik Union.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri L. P. Dave, Chairman, Central Wage Board for Port and Dock Workers, Room 318, Government of India Office, 101 Maharshi Karve Marg, Bombay-20 B. R.

(i) *Specific matters in dispute.*

- (1) What should be the rate of payment to the casual workers employed at Haldia in unskilled, semi-skilled and skilled categories and what other benefits they should be entitled to.
- (2) What should be the rate of overtime payment to such workmen.
- (3) Whether the demand of the Amin Mistries at Haldia for payment of a conveyance allowance is justified? If so, what should be the amount?

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

The Employers in relation to the Commissioners for the port of Calcutta, 15, Strand Road, Calcutta-1 and their workmen employed at Haldia Dock Project represented by the Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23.

(iii) Name of the workmen in case he himself is involved in the dispute or the name of the union, if any, representing the workman or workmen in question.

Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23.

(iv) Total number of workmen employed in the undertaking affected.

42,000 approximately.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

700 approximately.

The arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing Employers—

Signature of the Parties.

Sd./- T. R. RAGHUPATHI, Secy.
Commissioners for the Port of Calcutta.

Representing Workmen—

Sd./- MAKHAN CHATTERJEE, General
Secy. Calcutta Port Shramik Union.

15-11-1969.

Witnesses:

(i) Sd./- S. R. KULKARNI,

(ii) Sd./- Illegible,

[No. 28/94/69-Fac. II.]

New Delhi, the 7th January 1970

S.O. 223.—Whereas the employers in relation to the management of M/s. New India and Maritime Agencies (Private Limited) and their workmen represented by the Madras Port and Dock Workers Congress have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed:

And whereas, the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitute an Industrial Tribunal of which Shri S. Swamikkannu shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether daily rated workmen listed below are entitled to receive wages and allowances as per the recommendations of the Central Wage Board for Port and Dock Workers?

- (1) Sri M. Raju, Watchman.
- (2) Sri S. A. Rasheed, Watchman.
- (3) Sri R. Chandran, Watchman.

- (4) Sri H. Aukbar Basha, Watchman.
- (5) Sri N. J. Anderson, Watchman.
- (6) Sri Ismail, Watchman.
- (7) Sri N. Ramiah, Tally Clerk.
- (8) Sri Shanmugha Sundaram, Tally Clerk.
- (9) Sri M. Jambulingam, Tally Clerk.
- (10) Sri P. M. Sambandam, Tally Clerk.
- (11) Smt. Rukmani, Stitcher/Sweeper.
- (12) Shri C. M. Sankaran, Watchman and Tally Clerk.
- (13) Shri R. Rajagopal, Watchman.
- (14) Shri L. James, Watchman.
- (15) Shri P. V. Seethapathy, Watchman.
- (16) Shri M. A. A. Latheef, Watchman.
- (17) Shri A. Azeez, Watchman.
- (18) Shri M. Basha, Watchman.

[No. 29/32/69-LWI-III/Fac.II.]

C. RAMDAS, Dy. Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd January 1970

S.O. 224.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1960 (XXXI of 1950), the Central Government hereby appoints for the Union Territory of Delhi, Shri Gulab L. Ajwani, Regional Settlement Commissioner, Delhi, as Custodian of Evacuee Property for the purpose of discharging the duty assigned to the Custodian by or under the said Act.

[No. 5(6)AGZ/66.]

S.O. 225.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Gulab L. Ajwani, Regional Settlement Commissioner, Delhi, as Settlement Commissioner for the purpose of performing the function assigned to such officers by or under the said Act.

[No. 5(6)AGZ/66.]

A. G. VASWANI,

Settlement Commissioner (A) and
Ex-Officio Under Secy.

(Department of Rehabilitation)

(Office of the Regional Settlement Commissioner)

Jullundur, the 5th January 1970

S.O. 226.—In partial modification of the powers delegated to Shri S. N. Bahi, Assistant Settlement Commissioner, Jullundur, vide notification issued under No. RSCJ/23/23/20/67-68/Admn dated the 27th of November, 1969, the said Officer is authorised to hear appeals against the orders of the Settlement Officer (Urban Lands)/Managing Officer (Urban Lands)/which are specifically transferred to him by the Regional Settlement Commissioner, Jullundur. No appeal against their orders shall, however, be entertained direct by him.

[No. RSCJ/23/23/20/70-Admn.]

HARISH CHANDER,

Regional Settlement Commissioner.

